

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES

June 2, 2023

9:00 a.m.

(File 1)

Chair Amber Hollister called the meeting to order at 9:03 a.m. The meeting was held in-person and by video conference in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE Salem, Oregon. Chair Amber Hollister, Commissioner Jonathan Thompson, Commissioner Dave Fiskum, and OGEC Counsel Sean Brady were present. Commissioners Dan Mason, Shenoa Payne, Richard Burke, and Alicia McAuley were present via Teams. Commissioner Shawn Lindsay was absent. Staff present were Executive Director Ron Bersin, Compliance and Education Coordinator Susan Myers, Investigators Hillary Murrieta and Monica Walker, Agency Programs Administrator Becky Maison, Trainers Stephanie Heffner and Charlie Esparza, and Office Specialist Jessica Foster.

AGENDA ITEM 1, Comments from the Chair regarding agenda, Commissioner, and respondent time limits. Chair Hollister called roll and location of Commissioners. Commissioner Lindsay was absent.

AGENDA ITEM 2, Approval of minutes of the April 28, 2023 Commission meeting. The minutes were approved without correction.

AGENDA ITEM 3-47, Commissioner Fiskum moved for approval of Consent Calendar agenda items 3 – 47 with the recommendations specified on the agenda. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

The Commission convened into executive session at 9:07 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d) and ORS 192.685(1).

EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

(All items removed from consent calendar for discussion.)

End of Executive Session Consent Calendar.

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OTHER ITEMS

Reports of Preliminary Reviews (removed from consent calendar)

(File 2)

AGENDA ITEM 94, 23-067ESM, Steve Marks, Former Executive Director, Oregon Liquor and Cannabis Commission. Steve Marks and attorney Robert Steringer were present via Teams. Fiskum stated knowing Steve Marks but has no conflict of interest and does not need to recuse himself. Myers summarized the case. Commission discussed the matter. Marks and Steringer addressed the Commission. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Steve Marks may have violated ORS 244.040(1), ORS 244.040(4) and ORS 244.120(1) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

(File 3)

AGENDA ITEM 95, 23-068EHM, Will Higlin, Former Deputy Director, Oregon Liquor and Cannabis Commission. Attorney Michael McLane was present via phone. Higlin was not present. Murrieta summarized the case. McLane addressed the Commission, and the Commission discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Will Higlin may have violated ORS 244.040(1), ORS 244.040(4) and ORS 244.120(1) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

(File 4)

AGENDA ITEM 96, 23-069EMW, Bill Schuette, Budget Manager, Oregon Liquor and Cannabis Commission. Bill Schuette was present via phone. Attorney Whitney Boise was present on Teams. Walker summarized the case. Boise addressed the Commission, and the Commission discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Bill Schuette may have violated ORS 244.040(1), ORS 244.040(4) and ORS 244.120(1) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

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(File 5)

AGENDA ITEM 97, 23-070ESM, Chris Mayton, Former Director of Distilled Spirits Program, Oregon Liquor and Cannabis Commission. Chris Mayton was not present. Attorney Michelle Kerin was present via phone. Myers summarized the case. Kerin addressed the Commission. The Commission discussed that matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Chris Mayton may have violated ORS 244.040(1), ORS 244.040(4), and ORS 244.120(1) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

(File 6)

AGENDA ITEM 98, 23-071EHM, Boba Subasic, Chief Information Officer, Oregon Liquor and Cannabis Commission. Subasic was present via Teams. Attorney Ethan Hazel was present via phone. Murrieta summarized the case. The Commission discussed the matter. Hazel addressed the Commission. Hollister responded. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Boba Subasic may have violated ORS 244.040(1), ORS 244.040(4), and ORS 244.120(1) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

(File 7)

AGENDA ITEM 99, 23-072EMW, Jon-Kai Nakashima, Information Services Director, Oregon Liquor and Cannabis Commission. Nakashima was not present. Walker summarized the case. The Commission discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Jon-Kai Nakashima may have violated ORS 244.040(1), ORS 244.040(4), and ORS 244.120(1) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

(File 8)

AGENDA ITEM 74, 23-037XMW, Cindy Hinton

AGENDA ITEM 75, 23-038XMW, Paul Bates

AGENDA ITEM 76, 23-039XMW, Tory Flory

AGENDA ITEM 77, 23-040XMW, Lisa Helms

AGENDA ITEM 78, 23-041XMW, Ashleigh McIntosh

South Gilliam County Health District Board of Directors. Respondents waived confidentiality so the cases could be heard together. Hinton, Bates, and McIntosh were present via phone. Flory and Helms were not present. Walker summarized the cases. The Commission discussed the matter. Respondents addressed the Commission.

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AGENDA ITEM 74, 23-037XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Cindy Hinton may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

AGENDA ITEM 75, 23-038XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Paul Bates may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

AGENDA ITEM 76, 23-039XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Tory Flory may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

AGENDA ITEM 77, 23-040XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Lisa Helms may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

AGENDA ITEM 78, 23-041XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Ashleigh McIntosh may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

(File 9)

AGENDA ITEM 79, 23-042EHM, Pete Morse, Board Member, Linn County School District 8J. Morse was present via phone. Murrieta summarized the case. Commission discussed the matter. Bersin addressed the Commission. Morse addressed the Commission. Commission discussion. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Pete Morse may have violated ORS 244.120 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

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AGENDA ITEM 80, 23-048XHM, Pete Morse, Board Member, Linn County School District 8J. Morse was present via phone. Murrieta summarized the case. The Commission discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Pete Morse may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

(File 10)

AGENDA ITEM 81, 23-049XHM, Brad Wilson

AGENDA ITEM 82, 23-050XHM, Eric Aguinaga

AGENDA ITEM 84, 23-052XHM, Michael Thompson

Linn County School District 8J Board of Directors. The respondents were not present. Murrieta summarized the cases. The Commission discussed the matter.

AGENDA ITEM 81, 23-049XHM, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Brad Wilson may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

AGENDA ITEM 82, 23-050XHM, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Eric Aguinaga may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

AGENDA ITEM 84, 23-052XHM, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Michael Thompson may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

AGENDA ITEM 83, 23-051XHM, Roger Nyquist, Board Member, Linn County School District 8J. Nyquist was not present. Commissioner McAuley stated she personally knows respondent, but there is no statutory conflict of interest. Murrieta summarized the case. Fiskum moved that the Commission find that the complaint and information available during the preliminary review appears to be insufficient to constitute a substantial, objective basis for believing that a violation of ORS 192.660 has been committed by Roger Nyquist or warrant further review, and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye, Payne, aye, Hollister, aye; Motion passed 7-0.

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The Commission took a break from 10:45 to 10:55 a.m.
The Commission reconvened into Executive Session at 10:56 a.m.

(File 11)

AGENDA ITEM 85, 23-054SSM, Roy Drago Jr., Commissioner, Morrow County. Drago was not present. Myers summarized the case. Commission discussed the matter. Bersin addressed the Commission. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Roy Drago Jr., may have violated ORS 244.060 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Burke, aye, Payne, aye; Hollister, aye; Mason, nay. Motion passed 6-1.

AGENDA ITEM 86, 23-055SSM, Marvin Padberg, Commissioner, Port of Morrow. Padberg was not present. Fiskum addressed the Commission and declared a potential conflict of interest as he used to work with the Port of Morrow. It is not an actual conflict of interest; therefore, he did not recuse himself. Myers summarized the case. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Marvin Padberg may have violated ORS 244.060 and that the Commission should investigate accordingly. Mason addressed the Commission. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Burke, aye, Payne, aye; Hollister, aye; Mason, nay. Motion passed 6-1.

(File 12)

AGENDA ITEM 87, 23-059XMW, Pamela Alegria
AGENDA ITEM 88, 23-061XMW, Debbie Booth-Schmidt
AGENDA ITEM 89, 23-062XMW, Tracy McDonald
AGENDA ITEM 90, 23-063XMW, Diana Nino
AGENDA ITEM 91, 23-064XMW, Rebecca Read
AGENDA ITEM 92, 23-065XMW, Charles Withers
AGENDA ITEM 93, 23-066XMW, Guillermo Romero

Sunset Empire Transportation District Commission. Commissioner Payne declared that she worked at a law firm that represented the District in 2018 but does not have a potential or actual conflict of interest. Respondents waived confidentiality so their cases could be heard together. Alegria, Booth-Schmidt, McDonald, Read, Withers, and Romero were not present; Nino was present via Teams and Attorney Matt Malmshemer was present via phone. Walker summarized the cases. Commission discussion. Malmshemer addressed the Commission. Counsel and Commission discussion. Nino addressed the Commission. Fiskum petitions other Commissioners to make a motion; no motion is made. Fiskum moves to investigate. Commission discussed the motion. Fiskum withdrew the motion.

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AGENDA ITEM 87, 23-059XMW, Fiskum moved that the Commission find that the complaint and information available during the Preliminary Review appears to be insufficient to constitute a substantial, objective basis for believing that a violation of provisions of ORS 192.660 has been committed by Pamela Alegria or warrant further review, and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 88, 23-061XMW, Fiskum moved that the Commission find that the complaint and information available during the Preliminary Review appears to be insufficient to constitute a substantial, objective basis for believing that a violation of provisions of ORS 192.660 has been committed by Debbie Booth-Schmidt or warrant further review, and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 89, 23-062XMW, Fiskum moved that the Commission find that the complaint and information available during the Preliminary Review appears to be insufficient to constitute a substantial, objective basis for believing that a violation of provisions of ORS 192.660 has been committed by Tracy MacDonald or warrant further review, and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 90, 23-063XMW, Fiskum moved that the Commission find that the complaint and information available during the Preliminary Review appears to be insufficient to constitute a substantial, objective basis for believing that a violation of provisions of ORS 192.660 has been committed by Diana Nino or warrant further review, and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 91, 23-064XMW, Fiskum moved that the Commission find that the complaint and information available during the Preliminary Review appears to be insufficient to constitute a substantial, objective basis for believing that a violation of provisions of ORS 192.660 has been committed by Rebecca Read or warrant further review, and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

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AGENDA ITEM 92, 23-065XMW, Fiskum moved that the Commission find that the complaint and information available during the Preliminary Review appears to be insufficient to constitute a substantial, objective basis for believing that a violation of provisions of ORS 192.660 has been committed by Charles Withers or warrant further review, and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 93, 23-066XMW, Fiskum moved that the Commission find that the complaint and information available during the Preliminary Review appears to be insufficient to constitute a substantial, objective basis for believing that a violation of provisions of ORS 192.660 has been committed by Guillermo Romero or warrant further review, and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

(File 13)

AGENDA ITEM 100, 23-073EHM, Vicky Wilson, Operations Manager, Dexter Sanitary District. Wilson was present via phone. Murrieta summarized the case. Commission discussed the matter. Wilson addressed the Commission. Fiskum moved that the Commission find that the complaint and information available during the Preliminary Review appears to be insufficient to constitute a substantial, objective basis for believing that a violation of provisions of ORS 244.120(1), ORS 244.177(1), and ORS 244.179(1) has been committed by Vicky Wilson or warrant further review, and that this complaint be dismissed. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye;; Payne, nay; Hollister, nay. Motion passed 5-2.

(File 14)

AGENDA ITEM 101, 23-074ESM, Helen Baker, Director, Jackson County Fairgrounds and Expo Park. Baker was present on Teams. Myers summarized the case. Commission discussed the matter. Baker addressed the Commission. Commission discussion. Fiskum moved to investigate. Commission discussion of motion. Roll call was taken as follows: Fiskum, aye; McAuley, aye; Hollister, aye; Thompson, nay; Mason, nay; Burke, nay; Payne, nay. Motion failed 3-4. Bersin explained the effect of the failed motion was that the case would be dismissed.

The Commission took a lunch break from 12:08 to 12:20 p.m.

The Commission reconvened into Executive Session at 12:21 p.m.

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(File 15)

AGENDA ITEM 102, 23-077XMW, Christopher Bangs

AGENDA ITEM 103, 23-078XMW, Jason Padden

AGENDA ITEM 104, 23-080XMW, James Davis

AGENDA ITEM 105, 23-081XMW, Tracy Hensley

AGENDA ITEM 106, 23-082XMW, Herman Maldonado

AGENDA ITEM 107, 23-083XMW, Shawn Varwig

AGENDA ITEM 108, 23-084XMW, Brian Hodson

Councilors and Mayor of City of Canby. Respondents waived confidentiality so their cases could be heard together. Respondents Padden, Davis, Hensley, and Varwig were present via phone; Respondents Maldonado, Bangs, and Hodson were not present. Attorney Bob Blackmore was present via phone. Burke stated he wished to abstain from voting on Agenda Item 105 due to previous relationship with respondent but there was no statutory conflict of interest. Walker summarized the cases. Commission discussed. Respondents Padden, Davis, Hensley, and Varwig addressed the Commission. Chair Hollister addressed respondents' statements.

AGENDA ITEM 102, 23-077XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Christopher Bangs may have violated ORS 192.660(2) and ORS 192.660(6) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 103, 23-078XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Jason Padden may have violated ORS 192.660(2) and ORS 192.660(6) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 104, 23-080XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that James Davis may have violated ORS 192.660(2) and ORS 192.660(6) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 105, 23-081XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Tracy Hensley may have violated ORS 192.660(2) and ORS 192.660(6) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Payne, aye; Hollister, aye. Motion passed 6-0; 1 abstention, Burke.

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AGENDA ITEM 106, 23-082XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Herman Maldonado may have violated ORS 192.660(2) and ORS 192.660(6) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 107, 23-083XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Shawn Varwig may have violated ORS 192.660(2) and ORS 192.660(6) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 108, 23-084XMW, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Brian Hodson may have violated ORS 192.660(2) and ORS 192.660(6) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

(File 16)

AGENDA ITEM 109, 23-090EHM, Leota Childress, Council Member, City of Molalla. Childress was present in Teams. Murrieta summarized the case. Childress addressed the Commission. Commission discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Leota Childress may have violated ORS 244.040(1) and ORS 244.120(2) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

(File 17)

AGENDA ITEM 110, 23-091XSM, Susan Wahlke

AGENDA ITEM 111, 23-092XSM, Mitch Parsons

AGENDA ITEM 112, 23-093XSM, Dennis Hoagland

AGENDA ITEM 113, 23-094XSM, Sydney Kasner

AGENDA ITEM 114, 23-095XSM, Judy Casper

AGENDA ITEM 115, 23-096XSM, Rick Mark

Mayor and Councilors of City of Lincoln City. Respondents waived confidentiality so their cases could be heard together. Attorney Kenny Montoya and all six respondents were present via Teams. Myers summarized the cases. Commission discussed the matter. Montoya addressed the Commission. The respondents addressed the Commission. Commission discussion. Fiskum moved to investigate. Commission discussed the motion.

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AGENDA ITEM 110, 23-091XSM, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Susan Wahlke may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye; Fiskum, nay. Motion passed 6-1.

AGENDA ITEM 111, 23-092XSM, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Mitch Parsons may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Thompson, aye; McAuley, aye; Mason, aye; Payne, aye; Hollister, aye; Fiskum, nay; Burke, nay. Motion passed 5-2.

AGENDA ITEM 112, 23-093XSM, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Dennis Hoagland may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye; Fiskum, nay; Thompson, nay. Motion passed 5-2.

AGENDA ITEM 113, 23-094XSM, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Sydney Kasner may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye; Fiskum, nay. Motion passed 6-1.

AGENDA ITEM 114, 23-095XSM, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Judy Casper may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye; Fiskum, nay. Motion passed 6-1.

AGENDA ITEM 115, 23-096XSM, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Rick Mark may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye; Fiskum, nay. Motion passed 6-1.

Own Motion Preliminary Reviews

None.

Other Items

None.

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**Reconvened into Regular Open Session at 1:43 p.m.
Commission recessed for a break from 1:43 p.m. to 1:50 p.m.**

(File 18)

Lobbyist Penalty Correspondence

AGENDA ITEM 48, Greer Klepacki, 2022 Q4 \$4,050; 2023 Q1 \$30. Recommendation: 2022 Q4 Letter of Education, 2023 Q1 \$30. Bersin addressed the Commission and summarized his recommendation. Commission discussed the matter. Fiskum moved to accept staff recommendation of a Letter of Education for the late filing of 2022 Q4 and retain the penalty for 2023 Q1 of \$30. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 49, Andrea Paluso, 2022 Q2 paid \$30; 2022 Q3 \$5000; 2022 Q4 \$5000. Bersin addressed the Commission and summarized the case with no recommendation. Commission discussed the matter with further discussion. Fiskum moved to recommend a Letter of Education for 2023 Q3 and reduce penalty for 2022 Q4 to \$500 for third violation. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 50, Danielle Alexander, 2021 Q2 paid \$10; 2021 Q4 paid \$20; 2022 Q1 paid \$30; 2023 Q1 \$1250. Recommendation: Fourth violation \$625. Bersin addressed the Commission and summarized his recommendation. Commission discussed the matter. Fiskum moved to recommend a Letter of Education for 2023 Q1 and reduce penalty to \$500. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 51, Oregon Watershed Enhancement Board, 2020 Q1 Letter of Education; 2023 Q1 \$100. Recommendation: Second Violation \$50. Bersin addressed the Commission and summarized his recommendation. Fiskum moved to accept staff recommendation. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

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AGENDA ITEM 52, Central City Concern, 2016 Q2 paid \$160; 2023 Q1 \$120. Recommendation: Second Violation \$50. Bersin addressed the Commission and summarized his recommendation. Fiskum moved to accept staff recommendation. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

SEI Penalty Correspondence

AGENDA ITEM 53, Edie O'Neil, 2019 SEI \$80; 2020 SEI \$310, reduced to \$100 DFO; 2023 SEI \$30. Recommendation: Third violation \$30. Bersin addressed the Commission and summarized his recommendation. Fiskum moved to accept staff recommendation. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

STIPULATED FINAL ORDERS

AGENDA ITEM 54, 21-202ELC, Janet Sarai Llerandi-Gonzalez, Former Member, Board of Directors, Deschutes County School District No. 1. Myers summarized the final order. 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: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 55, 22-131XSM, Dave Brown, Member, Board of Directors, Yamhill County School District 29J. Payne and Burke each declared an actual conflict of interest and recused themselves from the vote. Myers summarized the final order. 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: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Hollister, aye. Motion passed 5-0; 2 abstentions, Payne and Burke.

AGENDA ITEM 56, 22-134XSM, Renee Powell, Member, Board of Directors, Yamhill County School District 29J. Payne and Burke each declared an actual conflict of interest and recused themselves from the vote. Myers summarized the final order. 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: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Hollister, aye. Motion passed 5-0; 2 abstentions, Payne and Burke.

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AGENDA ITEM 57, 23-060SSM, Greg Sweek, Former Planning Commissioner, Morrow County. Myers summarized the final order. 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: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 58, 23-111LSM, Iris Maria Chavez, Lobbyist, Equity Action Partners. Chavez was present via Teams. Myers summarized the final order. Chavez addressed the Commission. 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: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 59, 23-120LSM, Rachel Fischer, Lobbyist, National Marine Manufacturers Association. Myers summarized the final order. 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: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

Default Final Orders

None.
(File 19)

Reports of Investigations

AGENDA ITEM 60, 21-041ELC, Angela Adams, Former Office Manager, Linn County Planning and Building Department. Walker summarized the case. Fiskum moved that the Commission find there is sufficient evidence that Angela Adams has violated ORS 244.040(1) and ORS 244.120 (1)(c) and that the Commission adopt the Investigation Report as its preliminary findings and order that this case be moved to a contested case proceeding or that a negotiated settlement be entered. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 61, Removed from Agenda.

Advisory Opinions

Correspondence Received/Responses

The Commission reviewed the following without comment unless otherwise noted:

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Staff Opinions

(non-action, information only items)

None.

Staff Advice

(non-action, information only items)

AGENDA ITEM 62, 23-133I, Andrea Chiapella, Oregon Department of Administrative Services, re: application of the gift clause to a sports league's "State of Oregon Employee Appreciation Night."

AGENDA ITEM 63, 23-134I, Luke Shepard, City of Rockaway Beach, re: how Oregon Government Ethics law and conflict of Interest provisions may apply to City Councilors that own short term rentals.

AGENDA ITEM 64, 23-149I, Senator Floyd Prozanski, Oregon Legislative Assembly, re: whether it is permissible under Oregon Government Ethics law for Senator James Manning to accept an offer from TECO and the Taiwanese government to cover his expenses for a trip to Taiwan.

AGENDA ITEM 65, 23-150I, Cheryl Myers, Interim Secretary of State, re: whether attending the Celebrate Trade Gala event would fall under the gift exception in ORS 244.020(7)(b)(E).

AGENDA ITEM 66, 23-158I, Senator Cedric Hayden, Oregon Legislative Assembly, re: application of Oregon Government Ethics law to solicitation or receipt of donations to a legal defense fund not established under ORS 244.205 to ORS 244.221.

AGENDA ITEM 67, 23-171I, Jennifer Lewis Goff, Oregon Dental Association, re: whether a legislator serving on the Board of Trustees for the Oregon Dental Association could accept gifts provided at an ODA retreat under the gift exception in ORS 244.020(7)(b)(O).

Other Correspondence

(non-action, informational only items)

None.

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MISCELLANEOUS ITEMS

AGENDA ITEM 68, 23-170A, Christopher L. Garrett, Oregon Supreme Court Justice, request for extension of time for Commission Advisory Opinion. Bersin addressed Commission and recommended extension. Fiskum moved to approve staff recommendation to extend deadline 60 days. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 69, 23-173A, Jerry Healy and Marvin Padberg, Morrow County, request for extension of time for Commission Advisory Opinion. Bersin addressed Commission and recommended extension. Fiskum moved to approve staff recommendation to extend deadline 60 days. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Mason, aye; Burke, aye; Payne, aye; Hollister, aye. Motion passed 7-0.

AGENDA ITEM 70, Commission Meeting Schedule for 2024. Bersin addressed Commission. Fiskum moved to approve. Roll call was taken as follows: Fiskum, aye; Thompson, aye; McAuley, aye; Burke, aye; Payne, aye; Hollister, aye; Mason, nay. Motion passed 6-1.

AGENDA ITEM 71, 2023 Oregon Government Ethics Commission Strategic Plan. Bersin and Maison addressed the Commission.

Commissioner Thompson left the meeting at 2:33 p.m.

AGENDA ITEM 72, Trainers' Report. Heffner summarized training activities.

AGENDA ITEM 73, Executive Director's Report. Bersin reviewed the following:

- Purchased a new computer for David Hunter and additional office supplies.
- 2023-25 Budget signed by Governor. Some other agencies' budgets were not approved so it may cause payment issues for OGEC.
- Policy Option Package #103 was not approved. Policy Option Packages #101 and #102 were approved, which included system updates and a new Training & Development Specialist 2 position.
- # of Complaints has increased:
 - 2021 = 241
 - 2022 = 278
 - 2023 = 265
- 2023 SEI: 35 outstanding non-filers, 27 School Board Members at the time of report.
- Bersin stated he has reached out to Executive Appointments to get another Commissioner. Applicants may apply via Workday. The Senate Democrats need

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to put forth a nomination, and their nomination cannot be affiliated with either the Republican or Democratic parties.

- Continuing to monitor pending legislation:
 - SB292: If passed would decrease the number of school boards required to file and would have fiscal impact of \$33,000 on the agency.
 - HB2038: If passed, would have a \$157,000 fiscal impact on the agency.
 - HB2805: If passed would have a \$1,365,307 fiscal impact on the agency.
- Ordered equipment for new Training & Development Specialist 2 position.

Chair Hollister adjourned the meeting at 2:45 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, July 14, 2023, 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 via Microsoft Teams.

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