



Ethics Matters

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Commission Members

Dave M. Fiskum, Chair
 Amber A. Hollister, Vice-Chair
 Dan Mason
 Karly Edwards
 Shawn Lindsay
 Alicia A. McAuley
 Jonathan Thompson
 Robert B. Johnson
 Vacancy (1)

Staff Members

Ronald A. Bersin, Executive Director
 Susan Myers, Compliance & Education Coordinator
 Becky Maison, Operations & Policy Analyst
 Hillary Murrieta, Investigator
 Torrey Sims, Investigator
 Monica Walker, Trainer
 Stephanie Heffner, Trainer
 Kathy Baier, Administrative Staff
 David Hunter, Administrative Staff

How to Open and Close

ORS 192.660(1) provides that a governing body may hold an executive session after the presiding officer has identified the statutory authorization for holding the executive session. The Commission's interpretation is that an executive session begins when members of the public are removed or excluded from the executive session meeting. The Commission has adopted an Administrative Rule (OAR 199-040-0015) to clarify how to open and close an executive session.

The Administrative Rule explains that the announcement of the statutory authorization or other lawful basis for the executive session must be made in public, prior to entering the executive session:

- If it is a stand-alone executive session or if it occurs before a public meeting, the public announcement must be made in a properly issued meeting notice.
- If the executive session is held in conjunction with a public meeting, the announcement must be made during the portion of the meeting that is open to the public. (OAR 199-040-0015(2)).

The Rule also clarifies that an “executive session ends when the meeting ceases to be closed to the public.” The Rule explains that if a public meeting will be held again after the executive session, the governing body must use reasonable means to give actual notice to interested persons that the meeting is again a public meeting. (OAR 199-040-0015(3)).

This point is further clarified in the Attorney General's Public Records and Meetings Manual 2019:

A governing body meeting in executive session must return to *public* session before taking final action. This requirement cannot be circumvented by simply announcing, in executive session, that the meeting is now open, and then proceeding without affording interested persons a chance to attend. If a public meeting will be held again after the executive session, the desirable practice would be to announce, before the executive session, a specific time for returning to open session. Otherwise, reasonable means must be used to give actual notice to interested persons that the meeting is again a public meeting. If the executive session has been short, it may be sufficient to open the door and announce to persons in the hall that the meeting is open to the public. But clearly, returning to an unscheduled and unannounced “open session,” for which those attending the previous session have no notice and no opportunity to attend, does not comply with the law. (§ II.E.2).

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executive session >>>

What you should do if the executive session discussion is off topic

Discussions in an executive session must be limited to the topics authorized by the statutory provisions cited for that executive session:

The topic(s) discussed in an executive session must be limited to those topics expressly permitted by the specific provision(s) under which the executive session was convened. Members of governing bodies may not discuss topics in executive session other than those delineated in ORS 192.660 or other state law permitting an executive session, even if the additional topics are related to the issue concerning which the governing body convened the executive session. (OAR 199-040-0220(1)).

If a governing body member is in an executive session and realizes that the topics being discussed are unauthorized or exceed the scope permitted by the statutory provisions cited, that governing body member should:

1. State their objection to discussing the unauthorized topics
2. Announce on the record that they are leaving the executive session
3. Leave the executive session



The Oregon Government Ethics Commission only has jurisdiction over the executive session provisions of Oregon Public Meetings law. These provisions are in ORS 192.660.



Attorney General's Public Records and Meetings Manual

The [Attorney General's Public Records and Meetings Manual 2019 \(click to be directed\)](#) can be found on the Oregon Department of Justice's website.

Do you have questions regarding executive sessions?

OGEC staff can provide advice and guidance on the application of the provisions in ORS 192.660 to future or hypothetical circumstances. If you have questions about the application of the executive session provision or whether they might apply to a specific situation, you can call or email OGEC.

Monday through Friday, 8 a.m. – 5 p.m.

503-378-5105

mail@ogec.oregon.gov

ANNUAL SEI REPORTS ARE DUE APRIL 15th



Login to EFS

<https://apps.oregon.gov/OGEC/EFS/Home/SignIn>



Resources to assist you in filing

- [EFS Instruction Handbook](#)
- [Video Tutorial](#)
- [SEI reporting info](#)



Questions?

Contact OGEC
(503) 378-5105

LIVE SEI TRAININGS AVAILABLE



SEI Webinars

Presented by an OGEC trainer, webinars offer step-by-step instruction on how to file your SEI form.



Register Now

To register for the date/time that works for you, click on the link below:

[April 5, 2022, 10:30 am](#)
[April 7, 2022, 2:00 pm](#)
[April 13, 2022, 12:00 pm](#)



FAQ's

- Online (Zoom)
- Duration: one hour
- Opportunity to ask questions

executive session >>>

Mandatory Prerequisites

Several of the provisions in ORS 192.660(2) have mandatory prerequisites – actions which must be taken before convening the executive session. We discuss three of these provisions below.



ORS 192.660(2)(a): “To consider the employment of a public officer, employee, staff member or individual agent.”

Before convening an executive session under ORS 192.660(2)(a), you must satisfy the prerequisites in ORS 192.660(7)(d), including:

- Advertising the vacancy;
- Adopting regular hiring procedures;
- Providing the public with an opportunity to comment on the employment of the public officer; and
- For a chief executive officer, adopting hiring standards, criteria and policy directives in public meetings where the public has an opportunity to comment on the standards, criteria and policy directives.

ORS 192.660(2)(b): “To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.”

ORS 192.660(2)(i): “To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.”

Before convening an executive session under ORS 192.660(2)(b) or ORS 192.660(2)(i), you must provide the affected public officer, employee, staff member or agent, with written notice of the meeting no less than one business day or 24 hours in advance of the meeting. The written notice must:

- Identify the governing body;
- State the time, date and location of the meeting;
- Identify the purpose of the meeting, citing the provision in ORS 192.660 and stating that the governing body will hear complaints or charges against and consider the dismissal or discipline of the employee (ORS 192.660(2)(b)), or will review and evaluate the employee’s performance (ORS 192.660(2)(i)); and
- Inform the employee on how they may make a request for an open hearing. [OAR 199-040-0030].

Commission Updates



In February, OGEC welcomed three new Commissioners aboard. We will be taking time to introduce the new Commissioners. Our first Commissioner to be introduced is Commissioner Jonathan Thompson.

Would you tell us about yourself?

My wife and I live in Keizer, Oregon with our daughter where we own and operate a small business. We met at Willamette University and after graduation spent some time in the Portland area for my wife to complete graduate school. I am currently active with our Chamber of Commerce where I am a past president and serve on the board of directors. I am a member of the Keizer Budget Committee and working to finish a Master's degree in Divinity. In our spare time we like to cook, spend time outside, read and travel. One more fun thing about me, I am a licensed private pilot.

What inspired you to apply to be a member of the Oregon Government Ethics Commission?

I spent almost 10 years as a staffer with the Oregon State Senate. During that time, I

worked on drafting many of the laws which currently govern ethics in the State of Oregon. I very much enjoyed working for the people of Oregon and when the opportunity to serve on the Oregon Government Ethics Commission came up, I jumped at it. Helping people keep faith in their government is an important part of any democracy. The ethics commission helps make sure our government, and the people who serve in it at all levels, are open and transparent.

What aspect of the Commission are you most looking forward to?

I am looking forward to the education piece of the Oregon Government Ethics Commission. The vast majority of Oregonians who serve on government boards and commissions at all levels are volunteers. We, as a commission, must make sure they have the tools necessary to comply with our sometimes-complicated ethics laws. And when those laws are broken, it is important for us to determine if this was just an innocent mistake and we can educate folks, or if someone is breaking the rules for personal gain, and things like fines need to be assessed. It is my hope that as a commission we can make it as easy as possible for those on local boards and commissions to comply with ethics laws.

Any other relevant details that you feel should be shared or want to be included?

I have served under the ethics laws, including filing statements of economic interest, as a member of the Keizer Planning Commission. I know how scary all of it can look and I want to be fair to the great volunteers who serve all of us. Also, as someone who is not a lawyer, I want to bring a different point of view to our discussions.

Welcome Commissioner Thompson! We're looking forward to the next four years!

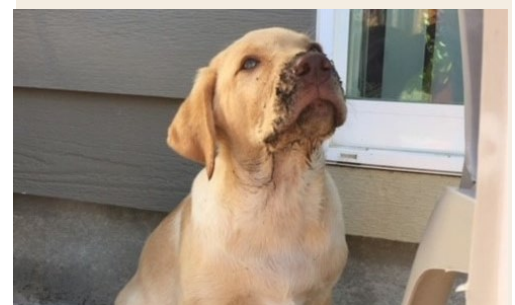
The Commission recently promoted Susan Myers to the Compliance and Education Coordinator position. As she is a key cog in the Commission's functions, we wanted to hear more about her.

I am excited to be taking on the role of Compliance and Education Coordinator for the Commission, having previously served as an Investigator here for over three years.

My path to OGE has been circuitous. I grew up in Arizona and attended the University of Arizona (B.A., English) and the University of New Mexico (M.A., English Literature). I briefly taught English as a Second Language in Istanbul, before returning to the States and moving to Portland, where I taught English composition and literature courses, at Mt. Hood Community College and Portland Community College. After almost ten years of teaching, I returned to Arizona to attend law school. After getting my J.D., I practiced at a private law firm in Phoenix for several years, before becoming an Assistant Attorney General. Longing to escape the unbearable heat and see green grass, rivers and lakes again, I finally returned to Oregon.

My favorite part about working here is that we focus on both education and enforcement. In the advice we issue, our training sessions, and even in our investigative reports, we always try to educate public officials and help them stay within the bounds of the applicable laws. I also appreciate the variety of matters that come before us. Because we have jurisdiction over different areas of the law and over so many different public officials, there is never really a dull day at OGE.

I am a big fan (possibly fanatic) of the Tour de France. I watch it every July and for the past 20 years I have competed in a Fantasy Tour de France league. Like many other folks, I got a pandemic puppy in June 2020. Jax is no longer this small, but he does occasionally still get this muddy.



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