

## OREGON GOVERNMENT ETHICS COMMISSION

### MEETING MINUTES

January 17, 2013

9:00 a.m.

(0:01)

Chair Ian Whitlock called the meeting to order at 9:00 a.m. The meeting was held in the 2<sup>nd</sup> Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Salem, Oregon. Other commissioners present were Larry Campbell, Charles Beggs, Charles Tauman, Mary Kremer, and Jan Hooper. Commissioner Kenny Montoya was excused from attendance. Staff present were Executive Director Ron Bersin, Investigator Deborah Tuss, Program Manager Virginia Lutz, Trainer Tammy Hedrick and OGEC Counsel Lynn Rosik.

(0:57)

AGENDA ITEM 1, Approval of the minutes of the December 7, 2012 Commission meeting. Kremer called for approval of the October 30, 2012 meeting minutes. The minutes were approved without correction.

### CONSENT CALENDAR

(1:20)

Campbell moved for approval of the consent calendar items and the staff recommendation on each as follows:

#### Reports of Investigation

None.

#### Lobbyist Penalty Correspondence

AGENDA ITEM 2, Robert E. Myers, 3<sup>rd</sup> qtr 2012 – Letter of Education

AGENDA ITEM 3, Renee Willer, 3<sup>rd</sup> qtr 2012 – Letter of Education

AGENDA ITEM 4, Steve Greenwood, 3<sup>rd</sup> qtr 2012 – Letter of Education

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Lobbyist Client Penalty Correspondence

AGENDA ITEM 5, Oregon Podiatric Society, 3<sup>rd</sup> qtr 2012 – Letter of Education

AGENDA ITEM 6, Oregon District Attorneys Assn, 3<sup>rd</sup> qtr 2012 – Letter of Education

Statement of Economic Interest Correspondence

None.

Consent Calendar roll call vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Tauman, aye. Motion passed unanimously.

End of Consent Calendar

**STIPULATED FINAL ORDERS**

(2:03)

AGENDA ITEM 6-A, No. 10-156XTH, Linda Dugan

Respondents did not address Commission. Hedrick gave an overview of the Stipulated Final Order. Beggs 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 vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Tauman, aye. Motion passed unanimously.

**ADVISORY OPINIONS**

(4:47)

AGENDA ITEM 7, No. 13A-1001, Liani Reeves re Governor Kitzhaber accepting compensation for speaking engagements while holding his position as Governor. Bersin gave an overview of the opinion request. The Commission discussed the opinion. Rosik gave an overview of the legal standing of an opinion. Kremer moved that the Commission adopt the opinion as presented. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Tauman, aye. Motion passed unanimously.

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(25:42)

The Commission discussed the process for advisory opinions. Bersin gave an overview of the internal process for advisory opinions.

(43:48)

The Commission reviewed the following items without comment except where noted:

## **CORRESPONDENCE RECEIVED/RESPONSES**

### Staff Opinions

None.

### Staff Advice

AGENDA ITEM 8, Chief Jason Edmiston re education incentive program between city of Hermiston and Columbia Southern University.

### Other Correspondence

AGENDA ITEM 9, No. 12-206ENJ, Steven Schulman re Phoenix City Councilor Carolyn Bartell. Bersin gave an overview of the matter.

AGENDA ITEM 10, No. 12-216ENJ, Phillip Moskios and Jodie Cowan re Josephine County Clerk and Recorder, Art Harvey

AGENDA ITEM 11, Carl McDaniel re Oregon State Hospital Officials  
No. 12-217ENJ, Dr. Matt Coopersmith  
No. 12-218ENJ, Dr. William Newbill

AGENDA ITEM 12, Frank Stormo et al re Aurora RFPD board members  
No. 12-213ENJ, Greg Leo  
No. 12-214ENJ, Donna Hammang  
No. 12-215ENJ, Fred Netter

(45:59)

**The Commission convened into executive session at 9:47 a.m. to consider preliminary reviews pursuant to ORS 244.260(4)(d), to consult with legal counsel regarding pending litigation pursuant to ORS 192.660(2)(h).**

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## **EXECUTIVE SESSION CONSENT CALENDAR**

### Reports of Preliminary Review

Items 15-18 were removed from the consent calendar for comment or appearance by parties wishing to address the Commission.

### End of Executive Session Consent Calendar

## **OTHER ITEMS**

### Reports of Preliminary Review

(47:40)

AGENDA ITEM 15, No. 12-188EDT, Rob Handy, Lane County Commissioner and Commissioner Candidate. Mr. Handy did not address the Commission. Tuss summarized the case. Whitlock discussed the case. Tauman moved that the Commission find that there is a substantial objective basis for believing that Rob Handy may have violated ORS 244.025(1) and 244.040(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Tauman, aye. Motion passed unanimously.

(52:42)

AGENDA ITEM 16, No. 12-194XDT, Stacy Dunn, Lakeside City Councilor. Mr. Dunn did not address the Commission. Tuss summarized the case. Campbell moved that the Commission find that there is a substantial objective basis for believing that Stacy Dunn may have violated ORS 192.660(2), 192.660(4) and 192.660(7)(d) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Tauman, aye. Motion passed unanimously.

(58:38)

AGENDA ITEM 18, No. 12-197ETH, Jill Prewitt, Former Chiloquin City Councilor. Ms. Prewitt did not address the Commission. Hedrick summarized the case. Rosik gave a review of the case. Hooper moved that the Commission find that there is a substantial objective basis for believing that Jill Prewitt may have violated ORS 244.040(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows:

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Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Tauman, aye. Motion passed unanimously.

(1:06:50)

AGENDA ITEM 17, No. 12-195EDT, Don Shipley, Harrisburg City Councilor. Mr. Shipley was present. Tuss summarized the case. Campbell 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 vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Tauman, aye. Motion passed unanimously.

#### Preliminary Review Stipulated Final Orders

(1:10:24)

AGENDA ITEM 19, No. 12-193EMS, Thomas McWhirt. Mr. McWhirt did not address the Commission. Bersin summarized the case. The Commission discussed the issues garnishment and civil penalties.

#### Own Motion Reviews

None.

#### Other Items

(1:18:56)

AGENDA ITEM 20, Summary of Pending Cases. Bersin provided an overview of the pending cases.

(1:19:41)

AGENDA ITEM 21, Review of Pending Litigation. Rosik presented an overview of pending litigation.

**The Commission reconvened into regular session at 10:20 a.m. and recessed from 10:21 to 10:30 a.m.**

### **STIPULATED FINAL ORDERS**

(1:19:50)

AGENDA ITEM 19, No. 12-193EMS, Thomas McWhirt. Mr. McWhirt did not address the Commission. Tauman moved 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 vote was taken as follows: Campbell, nay; Beggs, nay; Kremer, aye; Whitlock, aye; Hooper, aye; Tauman, aye. Motion passed 4-2.

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(1:21:18)

Whitlock proposed that a workshop be scheduled for after a future Commission meeting addressing the guidelines of media in executive sessions.

### **DEFAULT FINAL ORDERS**

None.

### **CONTESTED CASE PROPOSED FINAL ORDERS**

None.

### **REPORTS OF INVESTIGATION**

None.

### **MISCELLANEOUS ITEMS**

(1:24:30)

AGENDA ITEM 13, Trainer's Report. Hedrick provided a summary of current training activities.

(1:39:36)

AGENDA ITEM 14, Director's Report. Bersin discussed the interviews scheduled to begin on January 23, 2013 for the Compliance Specialist and Administrative Assistant positions. Bersin also discussed the budget process, the Governor's Balanced Budget information that was provided to commission staff, and discussed funding assessment amounts.

**(1:54:12)**

**Chair Whitlock adjourned the meeting at 11:05 a.m.**

**The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, March 1, 2013 at 9:00 a.m. The meeting will be held in the 2<sup>nd</sup> Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Suite 220, in Salem, Oregon.**

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