

# OREGON GOVERNMENT ETHICS COMMISSION

## MEETING MINUTES

October 11, 2013

9:00 a.m.

(0:01)

Chair Ian Whitlock called the meeting to order at 8:57 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, Marilyn Cover, Mary Kremer, Charles Tauman, Jan Hooper, and Kenny Montoya. Staff present were Executive Director Ron Bersin, Investigator Deborah Tuss, Investigator Diane Gould, Program Manager Virginia Lutz, Trainer Russ Casler, and OGEC Counsel Lynn Rosik.

(0:02)

Executive Director Bersin introduced a new staff member, Trainer Russ Casler, to the Commission.

(2:45)

AGENDA ITEM 1, Approval of the minutes of the August 23, 2013 Commission meeting. Commissioner Whitlock called for approval of the August 23, 2013 meeting minutes. There was no objection.

## CONSENT CALENDAR

(3:06)

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

### Reports of Investigation

AGENDA ITEM 2, No. 12-212EDT, Lianne Thompson, Planning Commissioner, Clatsop County. Move to dismiss complaint.

### Lobbyist Penalty Correspondence

AGENDA ITEM 3, Ivan Maluski, 2<sup>nd</sup> qtr 2013, Letter of Education

AGENDA ITEM 4, Ed Charles, 2<sup>nd</sup> qtr 2013, Letter of Education

AGENDA ITEM 5, Michael Freese, 2<sup>nd</sup> qtr 2013, Letter of Education

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Lobbyist Client Penalty Correspondence

AGENDA ITEM 6, Naegeli Reporting Corporation, 2<sup>nd</sup> qtr 2013, Letter of Education

AGENDA ITEM 7, Center for Innovative School Facilities, 2<sup>nd</sup> qtr 2013, Letter of Education

AGENDA ITEM 8, Lane County Peace Officers Assn, 2<sup>nd</sup> qtr 2013, Letter of Education

AGENDA ITEM 9, NCART, 2<sup>nd</sup> qtr 2013, Letter of Education

AGENDA ITEM 10, Citizens for a Safer Lane County PAC, 2<sup>nd</sup> qtr 2013, Letter of Education

Statement of Economic Interest Correspondence

AGENDA ITEM 11, Michelle Kropf, Dundee Planning Comm, 2013, Letter of Education

AGENDA ITEM 12, Al Tollefson, Astoria Planning Comm, 2013, Letter of Education

AGENDA ITEM 13, Alta Lynch, Columbia Co Planning Comm, 2013, Letter of Education

(3:06)

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

End of Consent Calendar

Lobbyist Client Penalty Correspondence

(7:05)

AGENDA ITEM 14, Deschutes County Citizen's Action Group, 1<sup>st</sup> and 2<sup>nd</sup> qtr 2013, Letter of Education for 1<sup>st</sup> quarter and reduce penalty for 2<sup>nd</sup> qtr 2013 to \$100. Mr. Huddle was present. Executive Director Bersin summarized the matter. Mr. Huddle addressed the Commission regarding mitigating issues. Commissioner Hooper moved to issue a letter of education for 1<sup>st</sup> qtr and reduce the penalty to \$1 for 2<sup>nd</sup> qtr. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye; Cover, aye. Motion passed unanimously.

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## Statement of Economic Interest Correspondence

(15:50)

AGENDA ITEM 15, Russell W. Hargrave, Wasco County Planning Comm, 2013, reduce penalty to \$50. Executive Director Bersin summarized the matter. Mr. Hargrave did not address the Commission. Commissioner Campbell moved to reduce penalty to \$50. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye; Cover, aye. Motion passed unanimously.

(19:00)

AGENDA ITEM 16, Mike Claassen, Bandon Council, 2013, no reduction in 2013 penalty. Executive Director Bersin summarized the matter. Mr. Claassen did not address the Commission. The Commission generally discussed the matter. Commissioner Campbell moved to reduce penalty to \$300 for 2013 if paid with outstanding \$100 from 2011 within 60 days. If payment is not received within 60 day period, the 2013 amount will be fully reinstated resulting in total penalties of \$1440. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye; Cover, aye. Motion passed unanimously.

### STIPULATED FINAL ORDERS

None.

### DEFAULT FINAL ORDERS

None.

### CONTESTED CASE PROPOSED FINAL ORDERS

None.

### REPORTS OF INVESTIGATIONS

AGENDA ITEM 17, No. 12-219EDT, Deb Garner, Board of Directors, Aurora Fire District. Investigator Deb Tuss summarized the case. Ms. Garner was present and addressed the Commission. The Commission discussed penalties. Commissioner Kremer moved to find violation with a recommendation of settlement with letter of education. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, nay; Cover, nay. Motion passed 5-2.

### ADVISORY OPINIONS

None.

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## CORRESPONDENCE RECEIVED/RESPONSES

### Staff Opinions

None.

### Staff Advice

(38:34)

The Commission reviewed the following item without discussion.

AGENDA ITEM 18, Julie R. Hanna, OHSU Government Relations, regarding paid expenses to attend the 30<sup>th</sup> Annual Oregon Rural Health Conference.

### Other Correspondence

(38:49)

The Commission had a general discussion regarding Executive Sessions.

The following agenda items were reviewed without comment.

AGENDA ITEM 19, No. 13-177ENJ, David A. Cacka re Klamath County Commissioner Tom Mallams.

AGENDA ITEM 20, No. 13-181ENJ, Anna Stafford re Multnomah County Circuit Court Judge Thomas Ryan.

AGENDA ITEM 21, No. 13-182XNJ, Foster Fell re Bend Parks & Recreation District Board Member Jim Figurski.

AGENDA ITEM 22, No. 13-183ENJ, Ismael Quintero, Jr. re Katie Suver, Marion County District Attorney's Office.

AGENDA ITEM 23, No. 13-191XNJ, D. Michael Lucas re Lyons Mayor Danny Burroughs and Lyons City Council Members Troy Donohue, Mark Orr, and Jessie O'Dell.

AGENDA ITEM 24, No. 13-192ENJ, Eddie Garcia re Former Greenhorn Mayor Frances Villwock.

AGENDA ITEM 25, No. 13-193ENJ, Edward M. Johnston re Toledo Police Officer Michael Pace.

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AGENDA ITEM 26, No. 13-194ENJ, Harrison C. Bumgarner re Lake County Sheriff Phillip McDonald, Lake County Sheriff's Department Lieutenant Paul Havel, Lakeview Police Officer Travis Grindle, and Lakeview Chief of Police Jeff Kamp.

AGENDA ITEM 27, No. 13-195ENJ, Sheila Nelson re Oakridge School Board Member Barry Nelson.

**(41:04)**

**The Commission convened into executive session at 9:40 a.m. to consider preliminary reviews and possible own motion reviews pursuant to ORS 244.260(2)(d) and (4)(d) and to consult with legal counsel regarding pending litigation pursuant to ORS 192.660(2)(h).**

### **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 Review  
(removed from consent calendar)

(42:50)

AGENDA ITEM 31, No. 13-165EDG, Robert Keith, Administrator, Oregon Appraiser Certification and Licensure Board. Investigator Diane Gould summarized the case. Mr. Keith was present but did not address the Commission. Commissioner 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; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye; Cover, aye. Motion passed unanimously.

(47:39)

AGENDA ITEM 30, No. 13-164EDG, Chuck Fisher, Compliance Specialist, Oregon Appraiser Certification and Licensure Board. Investigator Diane Gould summarized the case. The Commission generally discussed the matter. Commissioner Hooper 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; Kremer,

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aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye; Cover, aye. Motion passed unanimously.

**The Commission recessed from 9:50 a.m. – 9:55 a.m. Executive Session resumed at 9:55 a.m.**

Reports of Preliminary Review  
(removed from consent calendar)

**AGENDA ITEMS 32-40**, Board of Directors, Willamette Education Service District

- No. 13-152XDG, Anne Wylie
- No. 13-153XDG, Ken Hector
- No. 13-154XDG, Phil Frey
- No. 13-155XDG, Larry Trott
- No. 13-156XDG, Frank Pender, Jr.
- No. 13-157XDG, Alex Sanchez
- No. 13-158XDG, Dixon Bledsoe
- No. 13-159XDG, Rick Kimball
- No. 13-160XDG, Mark Trumbo

Morgan Smith, Counsel from Oregon School Boards was present representing Respondents. Investigator Diane Gould summarized case. Counselor Smith addressed the Commission. The Commission generally discussed the matter. Commissioner Tauman moved that the Commission find that there is a substantial, objective basis for believing that Anne Wylie, Ken Hector, Phil Frey, Larry Trott, Frank Pender, Jr., Alex Sanchez, Dixon Bledsoe, & Rick Kimball may have violated ORS 192.660(1), (2), and (8), that Mark Trumbo may have violated ORS 192.660(1) and 192.660(2), and that the Commission should investigate accordingly. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye; Cover, aye. Motion passed unanimously.

Preliminary Review Stipulated Final Orders  
*(Discussion only, action in open session)*

None.

Own Motion Reviews

(1:22:45)

**AGENDA ITEM 43**, Possible own motion preliminary review re Trevor Hart, Washington County Sr. Telecommunication Technician. Executive Director Bersin summarized the matter. Commissioner Kremer moved that the commission conduct a preliminary review to determine if there is cause to investigate whether Trevor Hart has violated ORS Chapter 244. Roll call vote was taken as follows: Kremer, aye; Hooper, nay; Campbell, nay; Montoya, nay; Tauman, aye; Cover, nay; Whitlock, aye. Motion failed 4-3.

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Other Items  
(non-action information only items)

The Commission reviewed the following items without comment unless otherwise noted:

AGENDA ITEM 41, No. 13-179EAI Valarie Austin re Dr. Huyn Min Lee, Portland State Dental Clinic. Agenda item removed from the agenda as the case was opened.

(1:28:10)

AGENDA ITEM 42, No. 13-178EAI, Valarie Austin re Leslie Culligan, Portland State Dental Clinic.

(1:29:55)

AGENDA ITEM 44, No. 13-180EAI, Judy Kniss re Denny Doyle, City of Beaverton Mayor. The Commission generally discussed this matter.

(1:32:04)

AGENDA ITEM 45, No. 13-196EAI, Jim Claus re Matt Langer, Sherwood City Councilor. Executive Director Bersin summarized the matter. The Commission generally discussed the matter.

Summary of Pending Cases

(1:33:39)

AGENDA ITEM 46, The Commission reviewed the list of pending cases. Commissioner Campbell commented regarding older pending cases. Executive Director Bersin summarized the process.

Review of Pending Litigation

(1:33:20)

AGENDA ITEM 47, Review of pending litigation. Counsel Rosik made no comments regarding pending litigation.

(1:35:36)

**The Commission adjourned from executive session and reconvened into regular session at 10:40 a.m.**

**MISCELLANEOUS ITEMS**

(1:35:40)

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AGENDA ITEM 28, Trainer's Report

Executive Director Bersin summarized report. Commissioner Whitlock summarized his attendance at training sessions with Trainer Tammy Hedrick. Commissioner Kremer summarized her attendance at LOC training. The Commission generally discussed positive feedback received in regards to training. Executive Director Bersin addressed moving towards technology to help analyze results of training efforts. It was requested that the training schedule identify the name of the organization, the schedule, and the subject matter for scheduled trainings.

(1:45:50)

AGENDA ITEM 29 – Director's Report

Executive Director Bersin summarized the status of recruitment for the Office Specialist 2 position and the electronic filing system status. Executive Director Bersin discussed Executive Session requirements to declare, "Reconvening regular session" language.

**(1:55:20)**

**Chair Whitlock adjourned the meeting at 11:00 a.m.**

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