

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
November 22, 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 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Salem, Oregon. Other commissioners present were Larry Campbell, Mary Kremer, Charles Tauman, Jan Hooper, and Kenny Montoya. Commissioner Marilyn Cover was excused from attendance. Staff present were OGEC Counsel Lynn Rosik, Executive Director Ron Bersin, Investigator Deborah Tuss, Investigator Diane Gould, Program Manager Virginia Lutz, Trainer Russ Casler, and Office Specialist Kathy Daniel.

(.10)

AGENDA ITEM 1, Approval of the minutes of the October 11, 2013 commission meeting. Bersin noted a correction to the name spelling of Casler on page 1. Whitlock called for approval of the minutes of the October 11, 2013 meeting. The minutes were approved with the noted correction.

CONSENT CALENDAR

(1:03)

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

Reports of Investigation

None.

Lobbyist Penalty Correspondence

AGENDA ITEM 2, Andy Stahl, 2nd qtr 2013, Letter of Education

AGENDA ITEM 3, Ryan Green, 2nd qtr 2013, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 4, Forest Service Employees for Environment Ethics, 2nd qtr 2013, Letter of Education

AGENDA ITEM 5, Columbia River Fishermen's Defense Fund, 2nd qtr 2013, Letter of Education

THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO RECORDINGS.

Statement of Economic Interest Correspondence

None.

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

End of Consent Calendar

STIPULATED FINAL ORDERS

(3:55)

AGENDA ITEM 7, No. 12-208EDT, Sloan Nelson, Rainier City Councilor.

Mr. Nelson did not address the commission. Investigator Tuss summarized the case. The commission generally discussed the Stipulated Final Order process. Commissioner Montoya 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; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

(8:20)

AGENDA ITEMS 8 – 12, City of Chiloquin

No. 13-125XDG, Raymond Kirk, Councilor

No. 13-126XDG, Kathy Erion, Councilor

No. 13-127XDG, Joe Hobbs, Councilor

No. 13-128XDG, Julie Trevino, Councilor

No. 13-129XDG, Jill Prewitt, Councilor

Respondents did not address the commission. Investigator Gould summarized the cases. Commissioner Hooper moved that the commission approve the proposed stipulated final orders as the final orders in these matters and the Chairperson be authorized to sign them as such. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

EXECUTIVE SESSION

(10:10)

The commission convened into executive session at 9:10 a.m. to consider preliminary reviews and possible own motion reviews pursuant to ORS 244.260 (2)(d) and (4)(d).

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(25.19)

The commission adjourned from executive session and reconvened into regular session at 9:25 a.m.

Preliminary Review Stipulated Final Orders

(25:30)

- AGENDA ITEM 6, No. 12-201LDT, Josh Balloch, Lobbyist
- AGENDA ITEM 33, Nos. 12-199LDT and 13-186LDT, Greg Miller, Lobbyist
- AGENDA ITEM 34, Nos. 12-200LDT and 13-185LDT, Paul Phillips, Lobbyist
- AGENDA ITEM 35, Nos. 12-202LDT and 13-187LDT, Ryan Tribbett, Lobbyist
- AGENDA ITEM 36, Nos. 12-203LDT and 13-188LDT, Laura Modjeski, Lobbyist
- AGENDA ITEM 37, No. 13-189LDT, Jamie Painter, Lobbyist
- AGENDA ITEM 38, No. 190LDT, Caleb Hayes, Lobbyist

Commissioner Tauman moved that the commission approve the proposed stipulated final orders as the final orders in the matters and that the chairperson be authorized to sign them as such. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

REPORTS OF INVESTIGATIONS

(27.40)

AGENDA ITEM 14, No. 13-130XDG, Teri Cummings, Former West Linn City Councilor. Ms. Cummings did not address the commission. Investigator Gould summarized the case. The commission briefly discussed the case. Commissioner Campbell moved that the commission find that the information before the commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation 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. Motion passed unanimously.

(47.50)

The commission generally discussed "Outside Employment" advice.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

(52.00)

The commission reviewed the following items without discussion except where noted.

Staff Opinions

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AGENDA ITEM 15, John M. Junkin, Garvey Schubert Barer, re representing a business with which you are associated before the planning commission on which you serve.

Staff Advice

(non-action informational only items)

AGENDA ITEM 16, Honorable Greg Smith, State Representative, re potential conflict of interest regarding public position and role as the contract Economic Development Director to Malheur County.

AGENDA ITEM 17, Rick Mark, former City of Lincoln City employee, re public position and private employment.

Other Correspondence

(non-action information only items)

AGENDA ITEM 18, No. 13-200ENJ, R.D. Twamley re Joe Hobbs, Mayor of Chiloquin

AGENDA ITEM 19, No. 13-206ENJ, Pavel Goberman re Tobias Read, Oregon State Representative

AGENDA ITEM 20, No. 13-207ENJ, Pavel Goberman re Brad Avakian, Oregon Bureau of Labor and Industries

AGENDA ITEM 21, No. 13-208ENJ, Pavel Goberman re Judge Janelle Wipper, Washington County Circuit Court

MISCELLANEOUS ITEMS

(54.14)

AGENDA ITEM 22

No. 12-209EDG, Bryan Anaclerio

No. 12-210EDG, Kim Anaclerio

Respondents did not address commission. Investigator Gould summarized request to expand investigations and the commission discussed the additional information. Commissioner Hooper moved to expand the investigation. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

(1:03:01)

The commission recessed from 10:04 to 10:10 a.m.

(1:03:30)

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The commission reconvened into executive session at 10:11 a.m. to consider preliminary reviews and possible own motion reviews pursuant to ORS 244.260(2)(d) and (4)(d), to consult with legal counsel regarding pending litigation pursuant to ORS 192.660(2)(h), and to conduct the annual Executive Director performance review pursuant to ORS 192.660(2)(i).

(2:17:00)

The commission adjourned from executive session and reconvened into regular session at 11:25 a.m.

(2:20:12)

AGENDA ITEM 24, Director's Report

Executive Director Bersin introduced new employee, Kathy Daniel. Bersin discussed the need for commission signatures on request for private use of vehicle form and the status of the electronic reporting system.

(2:20:27)

AGENDA ITEM 25, Election of Chair and Vice Chair for 2014

Chair Whitlock moved to nominate Commissioner Kremer as Chair and Commissioner Montoya as Vice Chair for 2014. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

(2:34:03)

AGENDA ITEM 23, Trainers' Report

Trainer Casler summarized training efforts and web upgrade progress.

(2:40:10)

Commission and staff extended thanks to Chair Whitlock for his service as Chair during 2013.

(2:40:41)

Chair Whitlock adjourned the meeting at 11:50 a.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, January 3, 2014, 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, Suite 220, in Salem, Oregon.

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