

OREGON GOVERNMENT ETHICS COMMISSION

MEETING MINUTES

May 31, 2013

9:00 a.m.

(0:02)

Chair Ian Whitlock called the meeting to order at 9:02 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, Marilyn Cover, Mary Kremer, Charles Tauman, Kenny Montoya, and Jan Hooper. Staff present were Executive Director Ron Bersin, Investigator Deborah Tuss, Investigator Diane Gould, Program Manager Virginia Lutz, Trainer Tammy Hedrick, Administrative Specialist Michelle Vold, and OGEC Counsel Lynn Rosik.

(0:011)

AGENDA ITEM 1, Approval of the minutes of the April 18,, 2013 Commission meeting. Executive Director Ron Bersin noted corrections to items #16, #31, and #32. The minutes were approved with corrections.

CONSENT CALENDAR

Reports of Investigation

None.

Lobbyist Penalty Correspondence

None.

Lobbyist Client Penalty Correspondence

None.

Statement of Economic Interest Correspondence

None.

End of Consent Calendar

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STIPULATED FINAL ORDERS

None.

DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS

None.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions

None.

Staff Advice

(2:18)

AGENDA ITEM No 2, Mark Nelson, Public Affairs Council, regarding Golden Gobbler Awards Reception. Executive Director Bersin spoke briefly regarding the advice to Mark Nelson.

Other Correspondence

(3:01)

The following items were reviewed by the Commission without comment except where noted.

AGENDA ITEM 3, No. 13-144ENJ, Curtis Bunch regarding Senator Jackie Dingfelder

AGENDA ITEM 4, No. 13-145ENJ, John Esch regarding Senator Jackie Dingfelder

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(3:25)

The Commission convened into executive session at 9:05 a.m. to consider preliminary reviews pursuant to ORS 244.260(4)(d) and to consult with legal counsel regarding pending litigation pursuant to ORS 192.660(2)(h).

EXECUTIVE SESSION CONSENT CALENDAR

(4:30)

Commissioner Campbell moved for approval of the Executive Session Consent Calendar items and staff recommendations on each as follows:

Reports of Preliminary Review

AGENDA ITEMS 9-12 – City of Sumpter

No. 13-103XDG, John Young, Mayor

No. 13-104XDG, LeAnne, Woolf, City Council

No. 13-105XDG, Myrna Clarke, City Council

No. 13-106XDG, Marlene Bork, City Council

Respondents did not address the Commission. The staff recommendation was to move to dismiss the complaints.

AGENDA ITEMS 13-19 – City of Lake Oswego

No. 13-102-XDT, Donna Jordan, City Council

No. 13-107-XDT, Kevin Studebaker, Mayor

No. 13-108-XDT, Mike Kehoe, City Council

No. 13-109-XDT, Karen Bowerman, City Council

No. 13-110-XDT, Jeff Gudman, City Council

No. 13-111-XDT, Jon Gustafson, City Council

No. 13-112-XDT, Skip O'Neill, City Council

Respondents did not address the Commission. The staff recommendation was to move to dismiss the complaints.

Roll call vote was taken as follows: Tauman, aye; Kremer, aye; Hooper, aye; Campbell, aye; Montoya, aye; Whitlock, aye; Cover, not present. Motion Passed unanimously.

End of Executive Session Consent Calendar

OTHER ITEMS

Reports of Preliminary Review

None.

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Preliminary Review Stipulated Final Orders

None.

Own Motion Reviews

(5:30)

Executive Director Bersin and Counsel Lynn Rosik reviewed Own Motion procedures.

(14:11) Commissioner Whitlock welcomed Commissioner Marilyn Cover and conducted table introductions.

AGENDA ITEM 20, Possible Own Motion Preliminary Review re Mitch Morrow, Oregon Dept of Corrections Director. Mr. Morrow, while present, did not address the Commission. Counselor Benjamin Souede, representing Mr. Morrow did address the Commission on Mr. Morrow's behalf requesting that an own motion preliminary review not be opened. The Commission discussed the information presented. Commissioner Montoya moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Mr. Mitch Morrow has violated ORS Chapter 244. Roll call vote was taken as follows: Tauman, aye; Cover, aye; Kremer, aye; Hooper, aye; Campbell, aye; Montoya, aye; Whitlock, aye. Motion Passed unanimously.

(48:18)

Commissioner Whitlock requested that the media present identify themselves. Media members with the Oregonian and the Statesman Journal were present.

(51:05)

AGENDA ITEMS 21-29, Willamette Education Service District

Anne Wylie, Board of Directors
Ken Hector, Board of Directors
Phil Frey, Board of Directors
Larry Trott, Board of Directors
Frank W. Pender Jr., Board of Directors
Dr. Alex Sanchez, Board of Directors
Dixon Bledsoe, Board of Directors
Rick Kimball, Board of Directors
Mark Trumbo, Board of Directors

Possible Own Motion Preliminary Reviews, Willamette Education Service District. Respondents did not address the Commission. Counselor M. Dakopolos, representing the Willamette ESD, and Counselor Morgan Smith, representing the individual board members, were present. Mr. Smith addressed the Commission. The Commission discussed the information provided. Commissioner Kremer moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Anne

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Wylie, Ken Hector, Phil Frey, Larry Trott, Frank W. Pender Jr., Dr. Alex Sanchez, Dixon Bledsoe, Rick Kimball, and Mark Trumbo have violated ORS Chapter 192.660. Roll call vote was taken as follows: Tauman, aye; Cover, aye; Kremer, aye; Hooper, aye; Campbell, nay; Montoya, aye; Whitlock, aye. Motion Passed 6-1.

Other Items

(1:10:40)

AGENDA ITEM 30 No. 13-143EAI, Tracy Van Dolah re Frank Egbert, Sutherlin Council. Executive Director Bersin summarized the issue and the Commission briefly discussed the matter.

(1:21:35)

AGENDA ITEM 31, Summary of pending cases. The Commission reviewed the summary of pending cases.

AGENDA ITEM 32, Review of Pending Litigation – Counsel Rosik advised that there was no pending litigation.

(1:22:27)

The Commission closed executive session and reconvened into regular session at 10:25am.

(1:25:34)

The Commission recessed from 10:26am -10:32 am. Regular Session resumed at 10:34am.

MISCELLANEOUS ITEMS

(1:25:52)

AGENDA ITEM 5 – Trainer's Report

Trainer Tammy Hedrick summarized the current state of training, the loss of the other trainer position, and requested that the Commission tell her what they would like to focus on in regards to future and additional training subjects. Commissioner Montoya inquired as to whether or not Trainer Hedrick could track her contacts and the types of issues. Trainer Hedrick committed to do that going forward.

(1:29:25)

AGENDA ITEM 7 – Director's Report

Executive Director Bersin summarized the recent office remodel and temporary relocation, the rehiring of a second trainer position with the recruitment process slated to begin in July, the reappointments of Commissioner Kremer and Commissioner Montoya, and the potential delivery of materials to the Commissioners in the future by electronic or hard copy.

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(1:38:30)

AGENDA ITEM 6 – Legislative Update

Executive Director Bersin summarized the Legislative bills that have been passed and signed by the Governor, and the budgetary approval for the electronic filing system. Executive Director Bersin also spoke briefly on HB3528. The Commission discussed HB3528 and lobbying in general.

(2:30:28)

The Commission recessed from 11:38am to 11:55am to set up for the working lunch. The meeting resumed at 11:56am.

(2:30:28)

AGENDA ITEM 8 – Commission Workshop

(2:32:54)

Trainer Tammy Hedrick gave an overview of the training materials book provided.

(2:36:36)

Trainer Tammy Hedrick presented an overview of the Public Official Guide, Gifts and Gift Limits, and Executive Session provisions of public meetings law.

(4:07:00)

Program Analyst Virginia Lutz gave a presentation on Lobby Law, reviewed who is not required to register, and discussed lobbyist and client/employer quarterly expenditure reports, registrations, and terminations. She also reviewed sanctions for lobby violation processes and provided examples of how penalties accrue.

(4:50:07)

The Commission recessed from 2:14pm to 2:20pm. The meeting resumed at 2:21pm.

(4:50:57)

Investigator Deb Tuss reviewed the complaint review procedures.

(4:59:59)

Investigator Diane Gould provided an overview of the Commission Own Motion Complaint process.

(5:15:00)

Investigator Deb Tuss spoke on the statutory investigative phases and sanctions.

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(5:38:50)

Executive Director Ron Bersin summarized Commissioner responsibilities.

(5:53:36)

Chair Whitlock adjourned the meeting at 3:35pm.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, July 12, 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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