

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
January 3, 2014
9:00 a.m.

(0:01)

Chair Mary Kremer 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, Ian Whitlock, Charles Tauman, Jan Hooper, Kenny Montoya and Marilyn Cover. Staff present were OGEC Counsel Lynn Rosik, Executive Director Ron Bersin, Investigator Deborah Tuss, Investigator Diane Gould, Program Manager Virginia Lutz, Trainer Tammy Hedrick, and Office Specialist Kathy Daniel.

(0:30)

AGENDA ITEM 1, Approval of the minutes of the November 22, 2013 commission meeting. Kremer called for approval of the minutes of the November 22, 2013 meeting. Bersin noted a correction to the minutes on page 5. The minutes were approved with the noted correction.

CONSENT CALENDAR

(3:20)

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, Mark Cushing, 3rd qtr 2013, Letter of Education

AGENDA ITEM 3, Adrian Miller, 3rd qtr 2013, Letter of Education

AGENDA ITEM 4, Joe O'Leary, 1st qtr 2013, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 5, Contact Wellness, 3rd qtr 2013, Letter of Education

AGENDA ITEM 6, Dept of Housing and Community Services, 3rd qtr 2013, Letter of Education

AGENDA ITEM 7, Scotts Miracle-Gro Company, 2nd qtr 2013, Letter of Education

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Statement of Economic Interest Correspondence

AGENDA ITEM 8, Robert Page, Culver Planning Commission, 2010, Letter of Education

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

End of Consent Calendar

Lobbyist Client Penalty Correspondence

(5:50)

AGENDA ITEM 9, eHealth Insurance, Inc, 3rd qtr 2013, recommendation is no reduction in penalty. No representative from eHealth Insurance, Inc., addressed the Commission. Commissioner Whitlock moved that the Commission make no reduction in penalty. Roll call vote was taken as follows: Campbell, aye; Cover, aye; Hooper, aye; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed unanimously.

Statement of Economic Interest Correspondence

(6:04)

AGENDA ITEM 10, Stacy L. Davies, Harney Co Planning Comm, 2011, 2012, & 2013 SEI, recommendation is no reduction of penalties. Mr. Davies did not address the Commission. The Commission generally discussed the penalties and the language of the letter. Commissioner Campbell moved that a reduction to \$200 per violation for a total \$600 to be paid within 30 days of notification. Commissioner Montoya moved to amend Commissioner Campbell's motion to \$500 per violation. Roll call vote was taken to amend Campbell's motion as follows: Campbell, nay; Cover, aye; Hooper, nay; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed 5-2.

(22:22)

Roll call vote was taken to accept Montoya's motion to assess \$500 per violation for 2011, 2012, & 2013 payable within 30 days or revert to \$3,770, as follows: Campbell, aye; Cover, aye; Hooper, nay; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed 6-1.

MISCELLANEOUS ITEMS

(24:35)

AGENDA ITEM 24, No. 13-122EDT, Patricia McCaig, Request for 30-day continuation of investigation for the purpose of additional fact-finding. Ms. McCaig was present and addressed the Commission regarding the continuation matter, focus of the investigation,

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and when the final report would be available. The Commission generally discussed the continuation and timeline. The Commission discussed the 30-day continuation versus a 37-day extension to meet the next Commission meeting on February 14. Respondent McCaig waived statutory time limit to extend the investigation to the February 14, 2014 Commission meeting date.

(44:50)

The Commission recessed from 9:40 – 9:50 am.

(44:52)

The commission convened into executive session at 9:50 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).

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)

(46:08)

AGENDA ITEM 27, No. 13-137EDT, Bob Cummings, Principal Legislative (IT) Analyst. Investigator Deborah Tuss summarized the case. Mr. Cummings was present and addressed 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; Cover, aye; Hooper, aye; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed unanimously.

(51:50)

AGENDA ITEM 28, No. 13-179EDG, Hyun Min Lee, Dentist and Interim Associate Clinical Director of the PSU Dental Clinic. Mr. Lee did not address the Commission. Investigator Diane Gould summarized the case. The Commission generally discussed the case issues. 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

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

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

(59:45)

AGENDA ITEM 29, No. 13-184EDG, Jeff Gilbert, former Principal of Reynolds High School. Mr. Gilbert did not address the Commission. Investigator Diane Gould summarized the case. The Commission generally discussed the matter then moved it to open session for the vote.

Own Motion Reviews

None.

Other Items
(non-action informational only items)

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

(1:04:18)

AGENDA ITEM 30, No. 13-210XAI, Shannon Winegar re Terrebonne Domestic Water District Board Members Kay Walters, Jay Walters, David Dow, and Sharon Struck. The Commission generally discussed the matter. Additional information requested.

(1:10:17)

AGENDA ITEM 31. Summary of Pending Cases.

(1:10:19)

AGENDA ITEM 32. Review of Pending Litigation.

(1:10:36)

The Commission adjourned from executive session and reconvened into regular session.

STIPULATED FINAL ORDERS

(1:10:40)

AGENDA ITEM 11, No. 12-219EDT, Deb Garner, Aurora Fire District Board Member. Ms. Garner did not address the Commission. Commissioner Whitlock 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

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follows: Campbell, aye; Cover, aye; Hooper, aye; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed unanimously.

(1:10:70)

AGENDA ITEM 29, No. 13-184EDG, Jeff Gilbert, former Principal of Reynolds High School. Mr. Gilbert did not address the Commission. Commissioner Whitlock 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; Cover, aye; Hooper, aye; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed unanimously.

(1:12:33)

AGENDA ITEM 11-A, No. 06-115EDC, Michael Buffington, OR Dept of Transportation. Mr. Buffington did not address the Commission. Executive Director Bersin summarized the case history. The Commission generally discussed offering a stipulated final order of four payments totaling \$2,350. If not paid within four consecutive months, revert to total due in default final order. Commissioner Whitlock moved that the commission approve the proposed stipulated final order as the final order in this matter and the Chairperson be authorized to sign it as such. Roll call vote was taken as follows: Campbell, aye; Cover, aye; Hooper, aye; Montoya, nay; Tauman, nay; Whitlock, aye; Kremer, aye. Motion passed 5-2.

DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS

None.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

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Staff Opinions

None.

Staff Advice

(1:24:11)

The Commission reviewed the following items without discussion.

AGENDA ITEM 13. Bill Cross, W.V. Cross Enterprises, Inc., re: public officials who may wish to participate in planned events and addressing types of paid expenses to public officials.

AGENDA ITEM 14. James Curry, Government Affairs Director, NW Food Processors Association, re the provision of admission, food and beverage, and entertainment to public officials.

AGENDA ITEM 15. Honorable Bruce Starr, Oregon Legislative Assembly, re receipt of travel, lodging, and food expenses while attending a policy roundtable.

Other Correspondence

(1:24:44)

The following agenda items were reviewed without comment.

AGENDA ITEM 16, No. 13-209XNJ, Shannon Winegar re Kevin Limbeck, Terrebonne Domestic Water District Board Accountant.

AGENDA ITEM 17, No. 13-211ENJ, Nathan Boddie re Mark Capell, Bend City Councilor.

AGENDA ITEM 18, No. 13-212ENJ, R.D. Twamley re Teresa, Forman Chiloquin City Clerk.

AGENDA ITEM 19, No. 216ENJ, Bill Carlsen re Linda Kridelbaugh, VP of Administration, Southwest Oregon Community College.

AGENDA ITEM 20, No. 217ENJ, Elizabeth Golden re Surfland Road District Commissioners Frank Jacobson, Raymond Kimbell, & Louis Ross.

AGENDA ITEM 21, No. 13-218ENJ, Curt Ankerberg re Eli Matthews, Medford City Councilor.

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AGENDA ITEM 22, No. 13-219ENJ, David Swinney and Michelle Culwell re Robert Forsythe, Port of Siuslaw Manager, and Port of Siuslaw Commissioners Jay Cable, Terry Duman, Bill Fleenor, and Ron Caputo.

AGENDAY ITEM 23, No. 220ENJ, Rose Johnson re Gladstone Planning Commission members Tamara Stemple, Michele Kremans, Pat McMahon, Craig Seghers, Kim Sieckmann, Kirk Stempel, Gladstone Mayor Wade Byers, and Gladstone City Council Members Ray Jaren, Thomas Mersereau, Kari Martinez, Neal Reisner, Hal Busch, and Len Nelson.

Miscellaneous Items

(1:30:25)

AGENDA ITEM 25, Trainers' Report, Trainer Tammy Hedrick summarized current training activity and future training plans.

(1:33:14)

AGENDA ITEM 26, Director's Report, Executive Director Bersin discussed the 2013 Legislative changes to Lobby Law. There was general discussion regarding the status of the new electronic reporting system, including the status on the search for a Project Manager, and upcoming meetings. Bersin will send out an invitation for a Capitol Club meeting regarding Lobby Law concepts for the 2015 Legislative Session as it relates to lobby reporting.

(1:44:05)

Commissioner Campbell stated that this will be his last Commission meeting.

(1:44:48)

Chair Kremer adjourned the meeting at 10:47 a.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, February 14, 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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