

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
January 27, 2017
9:00 a.m.

(:01)

Chair Dan Golden called the meeting to order at 9:05 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 Alison Kean, Chuck Lee, Marilyn Cover, Kenny Montoya, Chuck Tauman, and Mary Kremer. Richard Burke was excused from attendance. Staff present were OGEC Counsel Amy Alpaugh, Executive Director Ron Bersin, Program Manager Virginia Lutz, Compliance and Training Coordinator Marie Scheffers, Investigator Diane Gould, and Administrative Specialist Kathy Daniel.

(:30)

AGENDA ITEM 1, Approval of the minutes of the December 16, 2016 Commission meeting. Chair Golden called for approval of the minutes of the December 16, 2016 Commission meeting. The minutes were approved without correction.

CONSENT CALENDAR

(1:19)

Kean 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 D. Boesen, 1st qtr 2016, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 3, American Insurance Association, 3rd qtr 2016, Letter of Education

Statement of Economic Interest Correspondence

None.

Consent Calendar roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

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 AT <http://www.oregon.gov/OGEC/Pages/comissionmeet.aspx>.

End of Consent Calendar

The Commission convened into executive session at 9:08 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d) and to consider possible own motion reviews pursuant to ORS 244.260(2)(d).

Others present: Amanda Beitel, OGEC Fiscal Analyst.

EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

None.

End of Executive Session Consent Calendar.

OTHER ITEMS

Reports of Preliminary Review
(removed from consent calendar)

(4:50)

AGENDA ITEM 20, 16-146LDG, City of Brookings, Lobbying Client. John DiLorenzo, city attorney, present and addressed the Commission. Cover moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 171 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

(20:00)

AGENDA ITEM 21, 16-149EMT, Anne Graham, Redmond City Councilor. Graham was present and addressed the Commission. Montoya moved that the Commission find that there is a substantial, objective basis for believing that Anne Graham may have violated ORS 244.040 and ORS 244.120 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

Own Motion Reviews

(36:50)

AGENDA ITEM 26, Possible Own Motion Review re Heidi Williams, Oregon Educators Benefit Board Chief Operating Officer. Diane Sykes, attorney, was present and addressed the Commission. Kremer moved that the Commission conduct a preliminary

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 AT <http://www.oregon.gov/OGEC/Pages/comissionmeet.aspx>.

review to determine if there is cause to investigate whether Heidi Williams has violated ORS Chapter 244. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

OTHER ITEMS

Reports of Preliminary Review (removed from consent calendar)

(49:40)

AGENDA ITEM 22, 16-150EDG, Sandra Smith, Granite City Counselor. Smith joined via telephone. Kremer moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244.177 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, nay; Lee, aye; Montoya, aye; Golden, aye. Motion passed 6 – 1.

(1:00:30)

AGENDA ITEM 23, 16-151EDG, Linda Hald, Former Columbia County Community Justice Dept Office Manager. Cover moved that the Commission find that there is a substantial, objective basis for believing that Anne Graham may have violated ORS Chapter 244, including 244.040 and 244.120(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

(1:03:00)

AGENDA ITEM 24, 16-152EMS, James Raussen, Former Executive Director, Oregon Educators Benefits Board. Kremer moved that the Commission find that there is a substantial, objective basis for believing that James Raussen may have violated ORS 244.025, including 244.040 and 244.120(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

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

None.

Own Motion Reviews

(1:04:40)

AGENDA ITEM 25, Possible Own Motion Review re Laura Roach, Dept of Education Director of Secondary/Post-Secondary Transitions. Tauman moved that the Commission

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 AT <http://www.oregon.gov/OGEC/Pages/comissionmeet.aspx>.

conduct a preliminary review to determine if there is cause to investigate whether Laura Roach has violated ORS Chapter 244. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

Other Items

(non-action informational only items)

(1:07:00)

AGENDA ITEM 27, Summary of Pending Cases. The Commission reviewed the list of pending cases without comment.

The Commission recessed at 10:08 a.m. and reconvened into regular session at 10:15 a.m.

Lobbyist Penalty Correspondence

(1:08:16)

AGENDA ITEM 4, Amy Julowski, 1st and 2nd qtrs 2016, No recommendation. The Commission generally discussed the matter. Kremer moved to issue a Letter of Education for the late filing of the 1st and 2nd qtrs 2016 Lobbyist Expenditure Reports. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

Lobbyist/Client Penalty Correspondence

(1:10:33)

AGENDA ITEM 5, Oregon School-Based Health Alliance, 4th qtr 2016, no action.
AGENDA ITEM 6, Oregon Municipal Electric Utilities Assn, 4th qtr 2016, no action.
AGENDA ITEM 8, Oregon Assoc of Conservation Districts, 4th qtr 2016, no action.
AGENDA ITEM 9, Tom Bowerman (client), 4th qtr 2016, no action.
AGENDA ITEM 10, Arthritis Foundation, 4th qtr 2016, no action.
AGENDA ITEM 11, Laborers Local 737, 4th qtr 2016, no action.
AGENDA ITEM 4-A, Jerry Nicolescu, Lobbyist, 4th qtr 2016, no action.

The Commission generally discussed the matters and agreed to vote on all items together. Kean moved to impose no sanction for the late filing of the 4th qtr 2016 Lobbyist/Client Expenditure Reports for the listed agenda items 5, 6, 8, 9, 10, 11, and 4A. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

(1:23:44)

AGENDA ITEM 7, Independent Employer Assoc, 3rd qtr 2016, no recommendation. Tauman moved to impose no sanction for the late filing of the 3rd qtr 2016 Client

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 AT <http://www.oregon.gov/OGEC/Pages/comissionmeet.aspx>.

Expenditure Report. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

STIPULATED FINAL ORDERS

(1:31:34)

AGENDA ITEM 13, 16-143SDG, Dana Smith, Councilor, City of Silverton. Gould summarized the case. Smith was present and addressed the Commission. The Commission generally discussed the matter. Tauman 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: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

(1:35:25)

AGENDA ITEM 12, 16-142SDG, Mark Reynolds, Legislative Assembly Candidate. Gould summarized the case. Reynolds was not present. The Commission generally discussed the matter. Cover 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: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

REPORTS OF INVESTIGATION

None.

ADVISORY OPINIONS

(1:37:35)

AGENDA ITEM 14, No. 16A-1004, Oregon Board of Accountancy re conflicts of interest relating to addressing complaints against individual board members. Scheffers summarized the Advisory Opinion. OBOA Director Martin Pittioni was present and addressed the Commission. The Commission generally discussed the opinion. Tauman moved that the Commission adopt the Advisory Opinion as presented. Roll call vote was

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 AT <http://www.oregon.gov/OGEC/Pages/comissionmeet.aspx>.

taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions

(1:43:12)

AGENDA ITEM 15, No. 17-S001, Vial Fotheringham re whether possible contract could violate the prohibition of consideration contingent on the success of lobbying. Bersin reviewed the opinion without discussion.

Staff Advice

(non-action informational only items)

None.

Other Correspondence

(non-action informational only items)

None.

MISCELLANEOUS ITEMS

(1:45:22)

AGENDA ITEM 16, No. 16-151EDG, Linda Hald. Consideration of suspension of investigation. Montoya moved that the Commission suspend the investigative phase of the case against Linda Hald as allowed by statute. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

(1:46:00)

AGENDA ITEM 17, Review of Advisory Opinions to be rescinded. The Commission did not discuss. Montoya moved that the Commission rescind the listed advisory opinions. Roll call vote was taken as follows: Kremer, aye; Cover, aye; Kean, aye; Tauman, aye; Lee, aye; Montoya, aye; Golden, aye. Motion passed unanimously.

(1:47:40)

AGENDA ITEM 18, Trainers' Report. Bersin summarized the training activities.

(1:50:10)

AGENDA ITEM 19, Director's Report.

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 AT <http://www.oregon.gov/OGEC/Pages/comissionmeet.aspx>.

Chair Golden announced Jan Hooper's resignation and showed the commemorative plaque that would be sent to her.

Bersin discussed the status of:

- Commission Appointments: Bersin reviewed the term expiration dates for 2017 for Commissioners Tauman, Kremer, Cover, and Montoya. New Commissioners have not yet been determined.
- Reporting System: Bersin discussed an EFS notification error and reported the immediate response by NICUSA and OGEC staff. Bersin arranged to test the upcoming Statement of Economic Interest filing to confirm that all information entered into filers' reports for 2016 will pre-populate in this year's report.
- Budget: 2015-2017 came in well under budget. Savings will be used to replace some computers and the laptop, and to invest in a wall-mounted monitor for the conference room.

2017-2019 Budget book will be completed by January 31, 2017.

Budget scheduled before Ways and Means on February 23, 2017.

- Legislation: Bills will be introduced the last week of February.
- Case Management System: Phase 1 of the CMS launched on time. Advice and case final dispositions are now available and searchable on line.
- Other:

Agency website will be updated into a new format.

Governor's weapons policy was discussed.

Discussion re news articles.

Chair Golden adjourned the meeting at 11:35 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, March 10, 2017, 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.

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 AT <http://www.oregon.gov/OGEC/Pages/comissionmeet.aspx>.

(

(

(

OREGON GOVERNMENT ETHICS COMMISSION
INVESTIGATION

CASE NO: 16-139EMT

DATE: March 2, 2017

RESPONDENT: BROUSE, Rene, City Councilor, City of Sherwood

COMPLAINANT: MIDDLETON, William

RECOMMENDED ACTION: Dismiss the Complaint [Motion 7]

1 **SYNOPSIS:** Rene Brouse was a City Councilor for the City of Sherwood during the period
2 relevant to this investigation. She was also employed by the YMCA of the Columbia-
3 Willamette, which operates a recreational facility in a building owned by the City of
4 Sherwood. The focus of the investigation was to determine whether her participation in
5 discussions and votes on city budget matters that referred to the YMCA during budget
6 committee meetings in April and May 2016 constituted a violation of ORS 244.120(2).

7
8 A review of information indicates that Ms. Brouse participated in discussions and debates
9 during budget meetings on several budget items that relate to the city's upkeep of the
10 building that the YMCA uses, payment of the debt on the building that the YMCA uses,
11 and a feasibility study regarding the future of the recreational facility after the end of the
12 current lease agreement with the YMCA. The agreement between the city and the YMCA
13 requires the city to maintain the building, which is owned by the city. It does not appear
14 that the city supplies any money to the YMCA. The decision to allocate money for a
15 feasibility study has a direct financial impact on the consulting firm performing the study,
16 but it is unclear whether there could be a financial impact on Ms. Brouse or the YMCA.
17 Potential or actual conflicts of interest might arise for Ms. Brouse, however, based on the
18 outcome of the study.

19 The information does not show by a preponderance of the evidence that Ms. Brouse

1 violated Oregon Government Ethics law when she participated in the discussion, debate
2 and vote in budget committee meetings as a Sherwood City Councilor on matters
3 tangentially related to the YMCA, her employer. The budget items regarding building
4 upkeep and debt servicing did not constitute any financial benefit or detriment to the
5 YMCA. The possibility of any financial benefit or detriment to the YMCA based on the
6 outcome of the feasibility study was so attenuated as to make any determination on the
7 existence of a conflict of interest premature. For these reasons, the Commission should
8 dismiss the complaint.

9
10 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
11 issues addressed herein:

12
13 **244.020 Definitions.** As used in this chapter, unless the context requires otherwise:

14 (1) "Actual conflict of interest" means any action or any decision or recommendation
15 by a person acting in a capacity as a public official, the effect of which would be to the
16 private pecuniary benefit or detriment of the person or the person's relative or any
17 business with which the person or a relative of the person is associated unless the
18 pecuniary benefit or detriment arises out of circumstances described in subsection (13)
19 of this section.

20
21 (2) "Business" means any corporation, partnership, proprietorship, firm, enterprise,
22 franchise, association, organization, self-employed individual and any other legal entity
23 operated for economic gain but excluding any income-producing not-for-profit
24 corporation that is tax exempt under section 501(c) of the Internal Revenue Code with
25 which a public official or a relative of the public official is associated only as a member
26 or board director or in a nonremunerative capacity.

27
28 (3) "Business with which the person is associated" means:

29 (a) Any private business or closely held corporation of which the person or the
30 person's relative is a director, officer, owner or employee, or agent or any private
31 business or closely held corporation in which the person or the person's relative

owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding calendar year;

(b) Any publicly held corporation in which the person or the person's relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year;

(c) Any publicly held corporation of which the person or the person's relative is a director or officer; or

(d) For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060 (3).

(13) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

244.040 Prohibited use of official position or office; exceptions; other prohibited actions. (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the

1 public official, or any business with which the public official or a relative or member of
2 the household of the public official is associated, if the financial gain or avoidance of
3 financial detriment would not otherwise be available but for the public official's holding of
4 the official position or office...

5 (7) The provisions of this section apply regardless of whether actual conflicts of
6 interest or potential conflicts of interest are announced or disclosed under ORS
7 244.120.

8

9 **244.120 Methods of handling conflicts; Legislative Assembly; judges; appointed**

10 **officials; other elected officials or members of boards...** (2) An elected public
11 official, other than a member of the Legislative Assembly, or an appointed public official
12 serving on a board or commission, shall:

13 (a) When met with a potential conflict of interest, announce publicly the nature of
14 the potential conflict prior to taking any action thereon in the capacity of a public
15 official; or

16 (b) When met with an actual conflict of interest, announce publicly the nature of
17 the actual conflict and:

18 (A) Except as provided in subparagraph (B) of this paragraph, refrain from
19 participating as a public official in any discussion or debate on the issue
20 out of which the actual conflict arises or from voting on the issue.

21 (B) If any public official's vote is necessary to meet a requirement of a
22 minimum number of votes to take official action, be eligible to vote, but not
23 to participate as a public official in any discussion or debate on the issue
24 out of which the actual conflict arises.

25 (3) Nothing in subsection (1) or (2) of this section requires any public official to
26 announce a conflict of interest more than once on the occasion which the matter out of
27 which the conflict arises is discussed or debated.

28 (4) Nothing in this section authorizes a public official to vote if the official is
29 otherwise prohibited from doing so.

30
31
32

1 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated
2 a preliminary review based on a signed complaint from William Middleton on 8/18/16.
3 #PR1. Mr. Middleton alleged that Rene Brouse, City Councilor for the City of Sherwood
4 (City), may have violated the conflict of interest provisions of ORS Chapter 244 when she
5 participated in discussion and votes in budget committee meetings on matters that
6 referred to her employer, the YMCA. #PR1.

7
8 The Commission found cause to investigate on 9/23/16 after considering the information
9 developed in the preliminary review. The investigation focused on whether there was
10 enough information to find by a preponderance of the evidence that Ms. Brouse violated
11 the conflict of interest provisions of ORS Chapter 244 when she participated in discussion
12 and votes in budget committee meetings on 4/1/16, 5/12/16, 5/19/16, and 5/26/16 that
13 related to the property operated by the YMCA. The respondent and Mr. Middleton have
14 been notified of Commission actions in this matter. They have been invited to provide any
15 information that would assist the Commission in conducting this investigation.

16
17 In April and May of 2016, the Sherwood Budget Committee held meetings to review
18 departmental line item information in the proposed budget. On 5/26/16, the Budget
19 Committee, including Ms. Brouse, voted to approve the 2016-2017 Proposed Budget and
20 Tax Rate. #PR1. At a meeting of the Sherwood City Council on 6/21/16, Ms. Brouse
21 declared a conflict of interest pursuant to ORS 244.020 and recused herself from voting
22 on the resolution adopting the 2016-2017 budget, stating that she was doing so based on
23 a recommendation from the Commission "due to the reference of the City Recreation
24 Center and the operator YMCA." #PR1.

25
26 After the Commission opened a preliminary review in this matter, Ms. Brouse responded
27 by letter. In her letter, which will be included in its entirety with this report, Ms. Brouse
28 states, in part:

29
30 "Mr. Middleton mentions recusing myself from the budget vote but participating in
31 the budget hearings. I was one of 14 people on the budget committee who was
32 recommending the City of Sherwood budget to the Council, of which I am a

1 member.

2
3 I work for the YMCA of the Columbia-Willamette who operates the recreational
4 facility owned by the City of Sherwood. The YMCA pays for all the operational cost
5 and facility updates with the exception of the Roof and shell of the facility. In the
6 2016-2017 budget there is an item mentioned about the Teen Center roof repair.

7
8 A week prior to the vote on the budget, due to the line in the budget that discusses
9 the Teen Center of the Y and roof repair; I crafted a statement to read declaring a
10 potential conflict of interest.

11
12 On June 21st at 1:31 pm, the day of the budget vote, I received an email from Josh
13 Soper detailing more information in which the Y was referenced in the budget. Due
14 to his suggestion I contacted the Ethics Commission that day. I called
15 approximately 3:00 pm. The individual I spoke to was a bit confused, but eventually
16 suggested I declare an actual conflict of interest, of which I did that night, prior to
17 the vote." #PR3.

18
19 According to an email provided to the Commission by Ms. Brouse, which was sent to her
20 from the City Attorney Josh Soper, there were several lines in the budget that referred to
21 the YMCA. These included debt principal and interest payments, a feasibility study, and
22 repair and maintenance to buildings and grounds. The building repair line is specific to
23 the Teen Center roof replacement. #PR3. The grounds repair and maintenance,
24 according to an email from the Sherwood Public Works Director, forwarded to the
25 Commission by the City Manager, relate to landscaping from the parking area and asphalt
26 pathway out to the road, an area which the City maintains, as well as incidental expenses.
27 The YMCA is responsible for the landscaping immediately around the building. #INV3.

28
29 During the investigation period, the Commission contacted the City Manager for the City
30 of Sherwood, Joseph Gall, who described the relationship between the City and the
31 YMCA. The City owns the building and land. The City budgets money for building projects
32 such as the roof, but there is no money transferred from the City to the YMCA. The YMCA

1 has operated the facility for 18 years. The YMCA does pay money annually to the City,
2 which uses the money to pay on the bonds for the building. The YMCA is essentially a
3 long-term tenant in the City-owned building. #INV1

4
5 Mr. Gall also provided copies of the operating agreement between the City and the YMCA
6 dating back to 1996, with addendums and amendments. The agreement specifies that
7 the City shall repair and replace all structural load bearing components of the
8 improvements, including the roof. The YMCA is responsible for keeping the facility in good
9 order, condition and repair, excepting ordinary wear and tear. #INV2

10
11 According to Mr. Gall, the feasibility study listed in the budget was to provide a range of
12 options for the City to consider when the 20 year operating agreement with the YMCA is
13 completed. The City hired Ballard*King and Associates, a Colorado company, to perform
14 the study. The options included renewing the agreement with the YMCA and the feasibility
15 of the City operating the facility itself. #INV3

16
17 **CONCLUSIONS:** Rene Brouse was a City Councilor for the City of Sherwood during the
18 period relevant to this investigation and was a public official pursuant to ORS
19 244.020(15). As an elected public official, she was required to follow the procedures laid
20 out in ORS 244.120(2) when met with an actual or potential conflict of interest.

21
22 A public official is met with an actual or potential conflict of interest when the public official
23 is called upon to participate in an official capacity, in any action, decision or
24 recommendation if the effect would (actual conflict) or could (potential conflict) be to the
25 private pecuniary benefit or detriment of the public official, the public official's relative, or
26 a business with which the public official or a relative are associated. ORS 244.020(1),(13).
27 A business with which a public official is associated is defined in ORS 244.020(3)(d) to
28 include any business listed as a source of income for public officials, such as city
29 councilors, who file annual verified statements of economic interest. A non-profit
30 organization such as the YMCA is a business when the public official is an employee of
31 the non-profit. ORS 244.020(2).

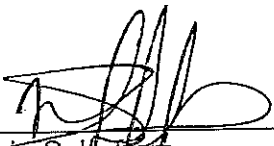
1 Although the YMCA was a business with which Ms. Brouse was associated at the time of
2 the events described in the complaint, it does not appear that the budget line items in the
3 proposed 2016-2017 budget for the City of Sherwood would or could have a financial
4 benefit or detriment to the YMCA. The City did not budget any money to the YMCA. It
5 budgeted the money it received under the agreement with the YMCA to make payments
6 on the bonds for the building, which was a City responsibility. The City budgeted money
7 to meet its obligations related to property owned by the City. The feasibility study might,
8 depending on the recommendations made by the consulting firm, result in potential or
9 actual conflicts of interest for Ms. Brouse if the recommendations could or would affect
10 the financial interest of the YMCA after the completion of the current operating agreement
11 between the City and the YMCA, but the immediate financial impact was to the consulting
12 company, not to the YMCA. While Ms. Brouse might have chosen, out of an abundance
13 of caution, to make a declaration of a potential conflict of interest on the issue of the
14 feasibility study, any possible financial benefit or detriment to the YMCA based on the
15 budget committee vote was so attenuated that there does not appear to be a
16 preponderance of the evidence sufficient to find that Ms. Brouse violated ORS 244.120(2)
17 when she participated in budget committee discussions and votes that included the line
18 items mentioned above.

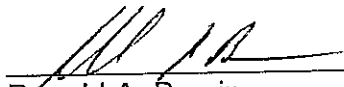
19
20
21
22
23
24
25
26
27
28
29
30
31
32

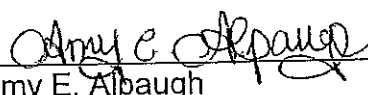
RECOMMENDATIONS: The Oregon Government Ethics Commission should move to
dismiss the complaint [Motion 7].

1 **ASSOCIATED DOCUMENTS:**

- 2 #PR1 Complaint signed by William Middleton and other material, received
3 8/18/16.
4 #PR2 Budget Committee meeting minutes for April – June 2016.
5 #PR3 Response from Rene Brouse and other material, received in OGEC office
6 8/24/16.
7 #INV1 Memorandum to file by M. Scheffers, dated 2/1/17
8 #INV2 Operating Agreement, addendums and attachments between YMCA of the
9 Columbia-Willamette and the City of Sherwood
10 #INV3 Emails from Joseph Gall, City Manager re. budget line items
11
12
13

PREPARED BY  3/2/17
Marie Scheffers Date
Investigator

APPROVED BY  3/2/17
Ronald A. Bersin Date
Executive Director

REVIEWED BY  3/2/17
Amy E. Alpaugh Date
Assistant Attorney General



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Leland Berger
Oregon CannaBusiness Compliance Counsel, LLC
2613 NE Martin Luther King, Jr Blvd Suite 200
Portland OR 97212

Dear Mr. Berger:

The written explanation of why your Q4 lobbyist expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$50 penalty will be extended to coincide with the 3/10/17 meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Lobbyist Activity

Q4 2016

Lobbyist Code: 936
User Name: lelandrberger
Email: lelandberger@comcast.net

Leland Berger
2613 NE Martin Luther King Jr. Blvd.
Portland, OR 97212

Q4 2016 Filing: 1/20/2017
Q4 2016 Expended: \$0.00
Q4 2016 Penalty: \$50.00

Activity Log - Q4 2016 to Date

10/11/16 11:57:50.457 - User Failed to Authenticate -
10/11/16 11:58:01.427 - User Failed to Authenticate -
10/11/16 11:58:10.057 - User Failed to Authenticate -
10/11/16 12:01:18.713 - User Successfully Authenticated -
10/11/16 12:02:07.253 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2016
01/15/17 04:42:33.990 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:11:05.027 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:35:30.110 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:20:03.913 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 01:33:46.940 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:32.293 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:30:26.343 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 01:30:27.313 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 08:55:39.757 - User Failed to Authenticate -
01/20/17 08:56:33.317 - User Failed to Authenticate -
01/20/17 08:56:42.897 - User Failed to Authenticate -
01/20/17 08:59:56.237 - Admin User Reset Initiated - An admin user reset was initiated.
01/20/17 09:51:23.590 - Admin User Password Reset Completed - A user reset their password using an admin reset.
01/20/17 09:51:35.627 - User Successfully Authenticated -
01/20/17 09:52:17.453 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2016
01/25/17 10:08:59.703 - User Profile Updated - User profile updated for Leland Berger
01/25/17 10:09:08.220 - User Profile Updated - The user's main profile was updated.

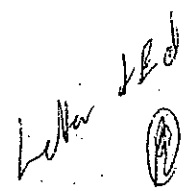
KathyD January 20th, 2017 at 11:14 AM

1/20/17 Letter of Explanation received.

1/25/17 Letter of Acknowledgement sent.

No previous late filings.

Staff recommendation is as follows:

Letter JED


From: lelandberger@comcast.net
Sent: Friday, January 20, 2017 12:34 PM
To: OGEC Mail * OGEC
Subject: Late Filing Explanation

Dear Government Ethics Commission:

Thank you for the opportunity to explain our late filing and request a waiver of the \$50 late filing fee.

I am an attorney, and the sole member of Oregon CannaBusiness Compliance Counsel, LLC. I also serve as Chair of the Portland NORML Legislative Committee and in that capacity have registered as a lobbyist, although the Lobbyist and Legislative Director for Portland NORML is Lindsey Rinehart. My legal assistant and office manager, Leia Flynn, also serves on the Portland NORML Board of Directors.

In those capacities, Ms. Flynn is responsible for filing for me, for our law firm as my employer and for Portland NORML as Lindsey Rinehart's employer. This quarter, she did the latter two and mistakenly neglected to file for me. I received some email notifications from you about the late fees and at my request Ms. Flynn called OGEC and the machine's message suggested that these notices had been sent out in error. Once she realized her mistake, she promptly corrected it.

We not only have never filed late before but typically (and this time, as to me) we filed a report showing no expenditures by me for this quarter.

Thank you again for your consideration of our request.

Respectfully submitted,

Leland R. Berger, OSB #830201, Attorney at Law; Chair, Portland NORML Legislative Committee

Leland R. Berger, Attorney at Law
Leia Flynn, Legal Assistant and Office Manager
Oregon CannaBusiness Compliance Counsel, LLC
2613 NE Martin Luther King, Jr. Boulevard, Suite 200
Portland, OR 97212

503-432-8775

503-287-6938 - fax

503-504-4298 - Lee cell

503-933-0541- Leia cell

lelandberger@comcast.net

leiaflynn@gmail.com

www.oregonc3.com

Like us on Facebook: Oregon CannaBusiness Compliance Counsel, LLC



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Lena Spadacene
1975 NW Everett St. #503
Portland OR 97209

Dear Ms. Spadacene:

The written explanation of why your Q4 lobbyist expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$50 penalty will be extended to coincide with the 3/10/17 meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Lobbyist Activity

Q4 2016

Lobbyist Code: 808
User Name: Lena Spadacene
Email: ls@oregonwild.org

Q4 2016 Filing: 1/20/2017
Q4 2016 Expended: \$0.00
Q4 2016 Penalty: \$50.00

Lena Spadacene
1975 NW Everett St. #503
Portland, OR 97209

Activity Log - Q4 2016 to Date

10/10/16 11:00:36.063 - User Successfully Authenticated -
10/10/16 11:02:24.293 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2016
01/15/17 04:42:33.740 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:10:59.987 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:34:55.913 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:20:01.573 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 01:33:29.377 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:30.610 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:30:25.500 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 01:30:26.907 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 11:09:14.577 - User Failed to Authenticate -
01/20/17 11:10:49.883 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2016
01/20/17 11:12:59.680 - User Profile Updated - User profile updated for Lena Spadacene
01/20/17 11:13:07.990 - User Profile Updated - The user's main profile was updated.
01/20/17 11:14:48.333 - User Profile Updated - User profile updated for Lena Spadacene
01/20/17 11:14:56.753 - User Profile Updated - The user's main profile was updated.
01/20/17 11:19:57.783 - User Successfully Authenticated -

KathyD January 20th, 2017 at 11:14 AM

1/20/17 Lena called and explained she doesn't have access to the email address in the account since she no longer works for them. With her permission, I assisted in filing her Q4 report. She will send in a Letter of Explanation.

She is no longer an active lobbyist.

1/20/17 Letter of Explanation received.

1/25/17 Letter of Acknowledgement sent.

*Letter of Explan
①*

DANIEL Kathy * OGEC

L

From: Lena Spadacene <lena.spadacene@gmail.com>
Sent: Friday, January 20, 2017 11:28 AM
To: OGEC Mail * OGEC
Cc: DANIEL Kathy * OGEC
Subject: Fee mitigation request

Hello,

I am writing to request a fee mitigation for the \$50 penalty acquired via my inactive lobbyist account.

Oregon Wild is no longer my employer (as of Dec. 1, 2016). With the help of OGEC staff, I was able to gain access to my account and file reports today, January 20, 2017.

Given these circumstances, I am hoping the fee will be waived.

Thank you,
Lena Spadacene

(

(

(



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Henry O'Keeffe
401 E 3rd St., Ste 101
The Dalles OR 97058

Dear Mr. O'Keeffe:

The written explanation of why your Q4 lobbyist expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$40 penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Lobbyist Activity

Q4 2016

Lobbyist Code: 157
User Name: henrytokeeffe
Email: henryo@gobhi.net

Henry O'Keeffe
400 East 3rd Street
The Dalles, OR 97058

Q4 2016 Filing: 1/19/2017
Q4 2016 Expended: \$0.00
Q4 2016 Penalty: \$40.00

Activity Log - Q4 2016 to Date

10/05/16 09:14:41.883 - User Failed to Authenticate -
10/05/16 09:16:05.350 - User Successfully Authenticated -
10/05/16 09:17:00.670 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2016
01/15/17 04:42:32.523 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:10:36.733 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:31:17.967 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:19:47.037 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 01:31:26.497 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:21.390 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:30:18.997 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:36:57.960 - User Failed to Authenticate -
01/19/17 01:39:12.657 - User Successfully Authenticated -
01/19/17 01:40:56.820 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2016
01/19/17 02:29:16.100 - User Failed to Authenticate -
01/19/17 02:29:26.430 - User Successfully Authenticated -
01/25/17 10:19:08.920 - User Profile Updated - User profile updated for Henry O'Keeffe
01/25/17 10:19:17.330 - User Profile Updated - The user's main profile was updated.

Late Fee
RD

1/19/17 Letter of Explanation received.

No previous late filings.

Staff recommendation is as follows:

From: Henry O'Keeffe <henry.okeeffe@gobhi.net>
Sent: Thursday, January 19, 2017 2:45 PM
To: OGEC Mail * OGEC
Cc: Colleen Wells
Subject: Request to Waive Late Fees
Attachments: Announcement; Failure to File Quarterly Report; Final Quarterly Report Reminder; CCF01032017_0002.pdf

Greetings:

My name is Henry O'Keeffe. I am In-House Counsel for Greater Oregon Behavioral Health, Inc. (GOBHI) and I am its registered lobbyist. I understand that I can request having the late fees waived by providing a letter explaining why the filing was late. Please consider this email that letter. I believe that several factors that collectively caused my filing to be untimely. (1) My records indicate that the first correspondence I received regarding the filing in general was this Sunday 01-15-2017, the day before Martin Luther King Jr. Day, a GOBHI holiday (attached Final Quarterly Report Reminder). (2) Your website indicates that I was sent emails on the 01-01-2017 and 01-10-2017 regarding the reporting window, so I'm not sure why they are not in my inbox, but they are not. We have occasional problems with our email system at GOBHI. (3) On Tuesday, 01-03-2017 I was sent a notification that the organization I represent, GOBHI, had filed its quarterly report. I did not examine it closely when I received it, however. (4) For whatever reason, the first Failure to File Quarterly report email attached did not reach my inbox until after 6:00 p.m. on 01-17-2017. (5) Earlier, on the afternoon of 01-17-2017, I received a forwarded email from the President of the Capital Club Board of Directors, indicating that there were "erroneous message[s]" being sent regarding failing to file OGEC Q4 Reports.

Consequently, because by the time I received the first late notification (4), I had already read the email regarding erroneous messages about failing to file OGEC reports (5), I wrongly assumed that the notification that I was sent in early January (3) had been a notification that I had submitted my own report. When I received the email Failure to File Quarterly Report email today, I called to see how I could get the emails to stop coming in. At this point, I was notified that I had not filed my own report, and promptly did so. As far as I know, this is the first time I have submitted a report late, which I'm told you take into account when deciding whether to waive a fine. For the foregoing reasons, I respectfully request that you waive my \$40.00 fine for filing my Quarterly Report late.

Thank you for your time.

HOK

Henry T. O'Keeffe
In-House Counsel
Greater Oregon Behavioral Health, Inc.
401 East 3rd Street, Ste 101
The Dalles, OR 97058

(p) (541) 298-2101
(f) (541) 298-7996
(e) henry.okeeffe@gobhi.net

This e-mail may contain confidential or privileged information that is being transmitted to and only for the use of the recipient(s) named above. Reading, disclosure, discussion, dissemination, distribution or copying this information by anyone other than the intended recipients or his/her employees or agents is strictly prohibited. If you have received this e-mail in error, please immediately notify the Privacy Officer at (541) 298-2101 and delete all copies of the original message.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Compact of Free Assoc Alliance National Network

Attn: Loyd Henion

PO Box 612

Albany OR 97321

Dear Mr. Henion:

The written explanation of why your Q4 lobbyist and client expenditure reports were filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$200 (\$100 client; \$100 lobbyist) penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Lobbyist Activity

Q4 2016

Lobbyist Code: 489
User Name: Loyd Henion
Email: lhenlon@comcast.net

Loyd Henion
PO Box 612
Albany, OR 97321-0191

Q4 2016 Filing: 1/25/2017
Q4 2016 Expended: \$0.00
Q4 2016 Penalty: \$100.00

Activity Log - Q4 2016 to Date

10/09/16 12:59:40.863 - User Successfully Authenticated -
10/09/16 01:09:42.630 - Lobbyist Report Saved - Lobbyist Report Saved for Q3 2016
10/09/16 01:23:08.303 - User Successfully Authenticated -
10/09/16 01:28:13.643 - Lobbyist Report Saved - Lobbyist Report Saved for Q3 2016
10/12/16 09:30:37.223 - User Failed to Authenticate -
10/12/16 09:30:59.153 - User Failed to Authenticate -
10/12/16 09:31:05.093 - User Failed to Authenticate -
10/12/16 09:31:09.103 - User Failed to Authenticate -
10/12/16 09:31:22.737 - User Failed to Authenticate -
10/12/16 09:31:25.573 - User Failed to Authenticate -
10/12/16 09:31:53.513 - User Successfully Authenticated -
10/12/16 09:33:58.120 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2016
01/15/17 04:42:33.117 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:10:49.147 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:19:55.350 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:25.737 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:30:21.773 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 01:30:22.307 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/21/17 01:30:21.970 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/22/17 01:30:27.213 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/23/17 01:30:13.327 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/24/17 01:30:13.690 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/25/17 01:30:14.247 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/25/17 11:05:14.217 - User Successfully Authenticated -
01/25/17 11:07:59.527 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2016

1/25/17 Letter of Explanation received. Letter of acknowledgement sent.

No previous late filings.

Staff recommendation is as follows:

*Letter of Ed
AD*

m: Lhenion <lhenion@comcast.net>
Sent: Wednesday, January 25, 2017 11:57 AM
To: DANIEL Kathy * OGEC
Subject: Asking for Mitigation of late rept

Dear Oregon Government Ethics Commission,

I am a volunteer lobbyist for CANN (Compact of Free Association Alliance National Network). I also serve as CANN's client. I was 10 day late in filing both as a lobbyist and the client report. I am not receiving any money as a lobbyist as indicated in the report I filed today (1/25/17) nor have we paid anyone else as a lobbyist.

I am asking for mitigation for both assents that I am responsible for since. I have been ill and sitting in a recliner as a result of a bad back/hip injury for which I recently have been taking rehabilitation treatment. I have also been overwhelmed with many unanswered emails for which are just now getting my attention, one of which was from OGEC informing me of my overdue status in making the reports. For this I am deeply sorry as I am thinking I need a better alarm system to alert me to my responsibilities. It goes deeply hard on me since I do not receive any money for my lobbying efforts.

So, I am respectfully asking if you could mitigate these penalties.

Respectfully,

Loyd Henion



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Alex Cuyler
125 East 8th Ave
Eugene OR 97401

Dear Mr. Cuyler:

The written explanation of why your Q4 lobbyist expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$30 penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Lobbyist Activity

Q4 2016

Lobbyist Code: 10
User Name: alex.cuyler@co.lane.or.us
Email: alex.cuyler@co.lane.or.us

Alex Cuyler
125 East 8th Avenue
Eugene, OR 97401

Q4 2016 Filing: 1/18/2017
Q4 2016 Expended: \$0.00
Q4 2016 Penalty: \$30.00

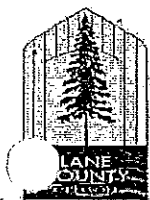
Activity Log - Q4 2016 to Date

10/05/16 09:57:28.337 - User Successfully Authenticated -
10/05/16 09:59:49.267 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2016
01/15/17 04:42:32.290 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:10:32.320 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:19:43.870 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 12:17:21.793 - User Successfully Authenticated -
01/18/17 01:30:19.943 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 09:29:43.707 - User Successfully Authenticated -
01/18/17 09:32:40.657 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2016
01/27/17 11:20:38.707 - User Successfully Authenticated -

1/27/17 Letter of Explanation received. 2/23/17 Letter of acknowledgement sent.

No previous late filing. Staff recommendation is as follows:

Letter of Explanation
(PP)



LANE COUNTY ADMINISTRATION

PUBLIC SERVICE BUILDING / 125 EAST 8TH AVENUE / EUGENE, OR 97401 / (541) 682-4203 / FAX (541) 682-4616

January 27, 2017

Oregon Government Ethics Commission
3218 Pringle Road SE, #220
Salem, OR 97302-1544

RE: Letter of Explanation for late filing

Dear Commission,

I am requesting that the Commission wave all penalties filed against Alex Cuyler based upon the below explanation.

Lane County was invited and participated in the pilot for the OGEC Electronic Filing System. We are familiar with and appreciate the new filing system, especially the reminder communications.

Unfortunately, for Q4 we did not receive any reminder communications until receiving *Failure to File Quarterly Report* notifications on January 17, 2017 at 6:11 p.m. and 6:20 p.m. We again received a *Failure to File Quarterly Report* notification on January 18, 2017 at 1:30 a.m. The *Failure to File Quarterly Report* notifications stated that we had been notified on January 1, 10, and 15 to submit our reports. We did not receive any prior notifications other than those noted above, and our *Communications* tab in the Electronic Filing System shows the first communication on January 15, 2017 at 6:10 p.m.

We submitted our reports on January 18, 2017 and received a *Receipt of Late Quarterly Report* notification at 9:33 a.m.

As you can see by the timing above, we took immediate action during working hours to file our report after being notified. I have attached the email notifications we received along with a printout of the *Communications* tab as Attachments A-E.

Thank you for your consideration of our request.


Alex Cuyler
Intergovernmental Relations Manager

HUNTER David * OGEC

From: KINCAID Jeffrey S <Jeffrey.KINCAID@co.lane.or.us>
Sent: Friday, January 27, 2017 12:08 PM
To: OGEC Mail * OGEC
Cc: CUYLER Alex D
Subject: Letters of Explanation re: late Q4 filings
Attachments: OGEC Letter of Explanation- Cuyler.pdf; OGEC Letter of Explanation- Mokrohisky.pdf

Good afternoon,

Please see the attached letters from Alex Cuyler and Steve Mokrohisky of Lane County requesting the Commission to wave all penalties against Alex Cuyler and Steve Mokrohisky/Lane County. Please let me know if you have any questions or require any additional information.

Jeff Kincaid
Office Support Supervisor
Lane County Administration
541-682-4062
Jeffrey.Kincaid@co.lane.or.us



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Counter Brands LLC
Attn: Lindsay Dahl
2803 Colorado Ave.
Santa Monica CA 90403

Dear Ms. Dahl:

The written explanation of why your Q4 client expenditure report for Counter Brands, \$50, and lobbyist expenditure report for Lindsay Dahl, \$20, was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$20 Lobbyist and \$50 Client penalties to total \$70 will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Lobbyist Activity

Q4 2016

Lobbyist Code: 951
User Name: lindsaydahl
Email: lindsay@beautycounter.com

Q4 2016 Filing: 1/17/2017
Q4 2016 Expended: \$0.00
Q4 2016 Penalty: \$20.00

Lindsay Dahl
2803 Colorado Ave
Santa Monica , CA 90404

Activity Log - Q4 2016 to Date

10/05/16 09:30:31.067 - User Successfully Authenticated -
10/06/16 02:52:18.380 - User Successfully Authenticated -
10/06/16 02:55:44.833 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2016
01/15/17 04:42:34.037 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:11:05.930 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:35:35.133 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 07:35:22.233 - User Successfully Authenticated -
01/16/17 07:56:30.443 - User Successfully Authenticated -
01/16/17 06:20:04.723 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 01:33:49.763 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 09:09:45.083 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2016
01/20/17 11:32:14.970 - User Successfully Authenticated -

1/20/17 Letter of Explanation received. Letter of acknowledgement sent.

No previous late filings.

Staff recommendation is as follows:

Lindsay Dahl
Ed
12

DANIEL Kathy * OGEC

L

From: Lindsay Dahl <lindsay@beautycounter.com>
Sent: Friday, January 20, 2017 11:50 AM
To: OGEC Mail * OGEC
Subject: Appeal to dismiss fines associated with Q4 reporting

To Whom It May Concern:

Counter Brands LLC and Lindsay Dahl (as the designated lobbyist) are no longer active in Oregon and have since changed our accounts to be deactivated. We missed the reporting deadline for Q4 by a few days and have since incurred \$20 fees for Lindsay Dahl and \$50 for Counter Brands LLC.

We had no expenditures to report for Q4.

We would politely ask that you dismiss these charges.

Thank you for your consideration.

Lindsay Dahl

--
Lindsay Dahl
VP, Community Affairs

Beautycounter
P (310) 857 - 5721
w.beautycounter.com



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Partnership for Safety and Justice
Attn: Anita Rodgers
825 NE 20th Ave., Suite 250
Portland OR 97232

Dear Ms. Rodgers:

The written explanation of why your Q4 client expenditure report and lobbyist expenditure report for Shannon Wight was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$10 penalties to total \$20 will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Lobbyist Activity

Q4 2016

Lobbyist Code: 352
User Name: ShannonWight
Email: shannon@safetyandjustice.org

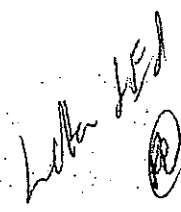
Shannon Wight
825 NE 20th Avenue, Suite 250
Portland, OR 97232

Q4 2016 Filing: 1/16/2017
Q4 2016 Expended: \$0.00
Q4 2016 Penalty: \$10.00

Activity Log - Q4 2016 to Date

10/14/16 02:38:29.717 - User Successfully Authenticated -
10/14/16 02:39:21.277 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2016
01/15/17 04:42:32.820 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:10:42.643 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:32:31.537 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 03:18:00.900 - User Successfully Authenticated -
01/16/17 03:37:23.110 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2016
01/16/17 03:55:23.607 - User Successfully Authenticated -
01/17/17 01:32:15.287 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/25/17 10:25:52.727 - User Profile Updated - User profile updated for Shannon Wight
01/25/17 10:26:01.257 - User Profile Updated - The user's main profile was updated.

1/18/17 Letter of Explanation received. Letter of acknowledgement sent.

Letter sent


No previous late filing. Staff recommendation is as follows:

From: Anita Rodgers <anita@safetyandjustice.org>
Sent: Wednesday, January 18, 2017 3:35 PM
To: OGEC Mail * OGEC
Subject: Fee waiver request
Attachments: OGEC fee waiver request 1-18-2017.docx

Dear Oregon Government Ethics Commission,

We are requesting a waiver of the \$10 late fee accrued to Shannon Wight, Lobbyist and the \$10 late fee accrued to Anita Rodgers, Client/Employer. Due to a glitch in the filing computer system, I did not receive reminders of the upcoming due date. I had it on my radar, but erroneously thought the due date would be 1/17/17, the next business day after January 15th. I spoke with your office this afternoon and am now clear that with the online system, all reports are due on the 15th regardless of weekends and holidays.

My apologies for our office being late with both reports. I will make sure we do not miss the deadline again.

We appreciate your time and consideration of this waiver request.

Anita Rodgers | Finance & Operations Director

Partnership for Safety and Justice
825 NE 20th Ave, Suite 250
Portland, OR 97232
(503) 335-8449 (phone)
(503) 232-1922 (fax)
www.safetyandjustice.org



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Lane County
Attn: Steve Mokrohisky
125 East 8th Ave
Eugene OR 97401

Dear Mr. Mokrohisky:

The written explanation of why your Q4 client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$30 penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Client/Employer Activity

Q4 2016

Client Code: 11
User Name: steve.mokrohisky
Email: steve.mokrohisky@co.lane.or.us

Lane County
Attn: Steve Mokrohisky
125 E 8th Avenue
Eugene, OR 97402

Q4 2016 Filing: 1/18/2017
Q4 2016 Expended: \$2,173.60
Q4 2016 Penalty: \$30.00

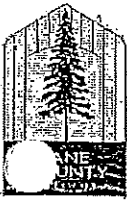
Activity Log - Q4 2016 to Date

10/05/16 11:24:12.453 - User Successfully Authenticated -
10/05/16 11:27:54.620 - Client Report Saved - Client Report Saved for Q3 2016
10/05/16 11:28:09.360 - Client Report Saved - Client Report Saved for Q3 2016
10/05/16 11:57:17.817 - Client Report Submitted - Client Report Submitted for Q3 2016
01/15/17 04:42:34.393 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:11:14.960 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:20:10.713 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 06:23:38.660 - User Failed to Authenticate -
01/18/17 01:30:38.180 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 08:02:53.030 - User Successfully Authenticated -
01/18/17 08:04:14.773 - Client Report Submitted - Client Report Submitted for Q4 2016
01/18/17 09:06:42.357 - User Successfully Authenticated -
01/26/17 08:45:25.243 - User Successfully Authenticated -
01/26/17 01:40:13.827 - User Successfully Authenticated -

Letter of Explanation received
Letter of Acknowledgement sent

1/27/17 Letter of Explanation received. 2/23/17 Letter of acknowledgement sent.

No previous late filing. Staff recommendation is as follows:



LANE COUNTY ADMINISTRATION

PUBLIC SERVICE BUILDING / 125 EAST 8TH AVENUE / EUGENE, OR 97401 / (541) 682-4203 / FAX (541) 682-4616

January 27, 2017

Oregon Government Ethics Commission
3218 Pringle Road SE, #220
Salem, OR 97302-1544

RE: Letter of Explanation for late filing

Dear Commission,

I am requesting that the Commission waive all penalties filed against Alex Cuyler based upon the below explanation.

Lane County was invited and participated in the pilot for the OGECE Electronic Filing System. We are familiar with and appreciate the new filing system, especially the reminder communications.

Unfortunately, for Q4 we did not receive any reminder communications until receiving *Failure to File Quarterly Report* notifications on January 17, 2017 at 6:11 p.m. and 6:20 p.m. We again received a *Failure to File Quarterly Report* notification on January 18, 2017 at 1:30 a.m. The *Failure to File Quarterly Report* notifications stated that we had been notified on January 1, 10, and 15 to submit our reports. We did not receive any prior notifications other than those noted above, and our *Communications* tab in the Electronic Filing System shows the first communication on January 15, 2017 at 6:10 p.m.

We submitted our reports on January 18, 2017 and received a *Receipt of Late Quarterly Report* notification at 9:33 a.m.

As you can see by the timing above, we took immediate action during working hours to file our report after being notified. I have attached the email notifications we received along with a printout of the *Communications* tab as Attachments A-E.

Thank you for your consideration of our request.


Alex Cuyler
Intergovernmental Relations Manager

HUNTER David * OGEC

From: KINCAID Jeffrey S <Jeffrey.KINCAID@co.lane.or.us>
Sent: Friday, January 27, 2017 12:08 PM
To: OGEC Mail * OGEC
Cc: CUYLER Alex D
Subject: Letters of Explanation re: late Q4 filings
Attachments: OGEC Letter of Explanation- Cuyler.pdf; OGEC Letter of Explanation- Mokrohisky.pdf

Good afternoon,

Please see the attached letters from Alex Cuyler and Steve Mokrohisky of Lane County requesting the Commission to wave all penalties against Alex Cuyler and Steve Mokrohisky/Lane County. Please let me know if you have any questions or require any additional information.

Jeff Kincaid
Office Support Supervisor
Lane County Administration
541-682-4062
Jeffrey.Kincaid@co.lane.or.us



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Oregon Dept of Land Conservation & Development
Attn: Amie Abbott
635 Capitol St NE
Salem OR 97301-2540

Dear Ms. Abbott:

The written explanation of why your Q4 client expenditure reports was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$90 penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Client/Employer Activity

Q4 2016

Client Code: 177
User Name: Amie Abbott
Email: amie.abbott@state.or.us

Dept of Land Conservation and Development - DLCD
Attn: Amie Abbott
635 Capitol St NE
Salem, OR 97301

Q4 2016 Filing: 1/24/2017
Q4 2016 Expended: \$0.00
Q4 2016 Penalty: \$90.00

Activity Log - Q4 2016 to Date

10/06/16 10:26:13.163 - User Successfully Authenticated -
10/06/16 10:29:35.007 - Client Report Submitted - Client Report Submitted for Q3 2016
01/15/17 04:42:34.737 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:11:18.097 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:20:13.317 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:40.187 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:30:28.887 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 01:30:30.557 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/21/17 01:30:27.163 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/22/17 01:30:33.443 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/23/17 01:30:15.133 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/23/17 12:33:56.303 - User Failed to Authenticate -
01/24/17 01:30:16.047 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/24/17 09:03:19.243 - Client Profile Updated - The client profile was updated.
01/24/17 04:43:45.427 - User Failed to Authenticate -
01/24/17 04:44:00.607 - User Failed to Authenticate -
01/24/17 04:44:09.080 - User Successfully Authenticated -
01/24/17 04:45:34.653 - Client Report Submitted - Client Report Submitted for Q4 2016
01/31/17 01:36:47.233 - User Successfully Authenticated -
01/31/17 01:38:28.623 - User Successfully Authenticated -
01/31/17 02:57:38.643 - User Successfully Authenticated -
02/07/17 04:24:09.853 - User Successfully Authenticated -
02/07/17 04:50:47.200 - User Successfully Authenticated -
02/13/17 08:28:54.277 - User Successfully Authenticated -
02/13/17 09:11:19.580 - User Successfully Authenticated -

2/13/17 Letter of Explanation received.

2/23/17 Letter of Acknowledgement sent.

Letter of Explanation received
RD

No previous late filings.

Staff recommendation is as follows:

From: Abbott, Amie <amie.abbott@state.or.us>
Sent: Monday, February 13, 2017 3:04 PM
To: OGEC Mail * OGEC
Subject: Request for Penalty Waiver

Ethics Commission,

I respectfully request a waiver for the \$90 penalty I received for the fourth quarter reporting period. I inadvertently didn't understand that I have to file two reports. I then learned that there was an error in the system and to disregard the late filing penalty notice. Upon returning from an illness, David (sorry, can't remember his last name) called to say that I had missed a filing. Had I not been told to disregard the penalty notices, I would have fixed the problem. Please also note that in the past four years, I have filed correctly and on time.

So please, once again I ask to have the penalty waived.
Thank you,
Amie

Amie Abbott | Executive Assistant to the Director & Commission
Director's Office
Oregon Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Direct: (503) 934-0045 | Cell: (503) 383-8911 | Main: (503) 373-0050
amie.abbott@state.or.us | <http://www.oregon.gov/LCD>



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Oregon Alliance for Gun Safety
Attn: Jenn Lynch
3439 NE Sandy Blvd
Portland OR 97232

Dear Ms. Lynch:

The written explanation of why your Q4 client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$550 penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Client/Employer Activity

Q4 2016

Client Code: 1286
User Name: jennlynch
Email: jenn@oralliance.org

Q4 2016 Filing: 2/7/2017
Q4 2016 Expended: \$2,000.00
Q4 2016 Penalty: \$550.00

Oregon Alliance for Gun Safety
Attn: Jennifer Lynch
3439 NE Sandy Blvd
Portland, OR 97232

Activity Log - Q4 2016 to Date

11/23/16 09:20:30.337 - User Profile Created - A new user profile was created.
11/23/16 09:20:30.510 - Client Profile Created - The client profile was created.
11/23/16 09:20:35.643 - User Profile Created - User profile created for Jennifer Lynch
01/15/17 04:42:37.043 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:11:57.527 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:40:17.317 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:20:34.967 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 01:40:14.647 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:57.210 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:30:38.730 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 01:30:42.040 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/21/17 01:30:33.773 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/22/17 01:30:41.743 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/23/17 01:30:17.083 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/24/17 01:30:18.867 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/25/17 01:30:22.507 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/26/17 01:30:17.257 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/27/17 01:30:24.370 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/28/17 01:30:25.113 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/29/17 01:30:21.457 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/30/17 01:30:23.283 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/31/17 01:30:21.873 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
02/01/17 01:30:27.163 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
02/02/17 01:30:16.837 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
02/03/17 01:30:21.373 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
02/04/17 01:30:21.207 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
02/05/17 01:30:19.787 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
02/06/17 01:30:25.723 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
02/07/17 01:30:17.607 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
02/07/17 02:51:21.757 - User Failed to Authenticate -
02/07/17 02:51:28.993 - Admin User Reset Initiated - An admin user reset was initiated.
02/07/17 02:52:16.430 - Admin User Password Reset Completed - A user reset their password using an admin reset.
02/07/17 02:52:33.823 - User Successfully Authenticated -
02/07/17 02:56:48.140 - Client Report Submitted - Client Report Submitted for Q4 2016
02/18/17 09:06:28.313 - User Failed to Authenticate -
02/21/17 08:36:35.563 - Admin User Reset Initiated - An admin user reset was initiated.
02/21/17 08:44:31.377 - Admin User Reset Initiated - An admin user reset was initiated.
02/21/17 09:19:44.980 - Admin User Password Reset Completed - A user reset their password using an admin reset.
02/21/17 09:20:16.590 - User Failed to Authenticate -
02/21/17 09:20:54.400 - User Successfully Authenticated -

2/07/17 Letter of Explanation received. Letter of acknowledgement sent.

No previous late filings.

Staff recommendation is as follows:

Robert EA
RD

DANIEL Kathy * OGEC

el

From: Jenn Lynch <jenn@oralliance.org>
Sent: Tuesday, February 07, 2017 3:10 PM
To: OGEC Mail * OGEC
Subject: Late Filing Penalty: Letter of Explanation

Dear Commissioners,

Please accept this letter of explanation for my late filing for the period of 2016 Q4, submitted Feb. 7. I am a relatively new lobbying client, and Q4 2016 was the first reporting period for which I've been required to file via the Electronic Filing System (I may have filed one or two reports in past sessions using the paper system). I ignored the "late filing" emails I received from the Electronic Filing System, believing I was in compliance and that they were the result of a system error. Today, I contacted the OGEC and was given an orientation to the system and a new system password, which I used to file my report immediately.

Please consider forgiving the late filing penalties for Q4 with assurance that I now understand how the system works and will happily file electronically in future quarters.

Thank you for your consideration.

Jenn Lynch
Oregon Alliance for Gun Safety
oregonallianceforgunsafety.org / @OregonAlliance



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Compact of Free Assoc Alliance National Network
Attn: Loyd Henion
PO Box 612
Albany OR 97321

Dear Mr. Henion:

The written explanation of why your Q4 lobbyist and client expenditure reports were filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$200 (\$100 client; \$100 lobbyist) penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Client/Employer Activity

Q4 2016

Client Code: 774
User Name: CANN
Email: lhenion@cann.us

Q4 2016 Filing: 1/25/2017
Q4 2016 Expended: \$0.00
Q4 2016 Penalty: \$100.00

COFA Alliance National Network - CANN
Attn: Loyd Henion
PO Box 612
Albany, OR 97321

Activity Log - Q4 2016 to Date

10/09/16 01:13:53.847 - User Successfully Authenticated -
10/09/16 01:17:46.267 - Client Report Saved - Client Report Saved for Q3 2016
10/12/16 09:38:18.273 - User Successfully Authenticated -
10/12/16 09:39:09.330 - Client Report Submitted - Client Report Submitted for Q3 2016
01/15/17 04:42:35.860 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:11:32.413 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:37:46.913 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:20:23.237 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 01:37:18.600 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:48.427 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:30:32.597 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 01:30:35.347 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/21/17 01:30:30.873 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/22/17 01:30:39.427 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/23/17 01:30:16.240 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/24/17 01:30:17.697 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/25/17 01:30:20.603 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/25/17 11:17:57.017 - User Successfully Authenticated -
01/25/17 11:20:48.913 - Client Report Submitted - Client Report Submitted for Q4 2016
01/25/17 11:43:21.327 - Client Profile Updated - The client profile was updated.

1/25/17 Letter of Explanation received. Letter of acknowledgement sent.

No previous late filings.

Staff recommendation is as follows:

Larkin JES
(RD)

DANIEL Kathy * OGEC

From: Lhenion <lhenion@comcast.net>
Sent: Wednesday, January 25, 2017 11:57 AM
To: DANIEL Kathy * OGEC
Subject: Asking for Mitigation of late reprt

Dear Oregon Government Ethics Commission,

I am a volunteer lobbyist for CANN (Compact of Free Association Alliance National Network). I also serve as CANN's client. I was 10 day late in filing both as a lobbyist and the client report. I am not receiving any money as a lobbyist as indicated in the report I filed today (1/25/17) nor have we paid anyone else as a lobbyist.

I am asking for mitigation for both assents that I am responsible for since. I have been ill and sitting in a recliner as a result of a bad back/hip injury for which I recently have been taking rehabilitation treatment. I have also been overwhelmed with many unanswered emails for which are just now getting my attention, one of which was from OGEC informing me of my overdue status in making the reports. For this I am deeply sorry as I am thinking I need a better alarm system to alert me to my responsibilities. It goes deeply hard on me since I do not receive any money for my lobbying efforts.

So, I am respectfully asking if you could mitigate these penalties.

Respectfully,

Loyd Henion

(

(

(



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Kevin L. Mannix, PC
Attn: Connor J. Harrington
2009 State St.
Salem OR 97301

Dear Mr. Harrington:

The written explanation of why your Q4 client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$50 penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Client/Employer Activity

Q4 2016

Client Code: 1035
User Name: Kevin L. Mannix, P.C.
Email: kevin@mANNIXlawfirm.com

Q4 2016 Filing: 1/20/2017
Q4 2016 Expended: \$0.00
Q4 2016 Penalty: \$50.00

Kevin L. Mannix, P.C.
Attn: Kevin Mannix
2009 State Street
Salem, OR 97301

Activity Log - Q4 2016 to Date

10/14/16 02:00:40.697 - User Failed to Authenticate -
10/14/16 02:01:02.000 - User Failed to Authenticate -
10/14/16 02:18:53.610 - User Failed to Authenticate -
10/14/16 02:20:01.737 - User Failed to Authenticate -
10/14/16 02:48:03.897 - User Failed to Authenticate -
10/14/16 02:48:30.433 - User Failed to Authenticate -
10/14/16 02:53:54.813 - Admin User Reset Initiated - An admin user reset was initiated.
10/14/16 02:57:13.417 - Admin User Password Reset Completed - A user reset their password using an admin reset.
10/14/16 02:57:38.870 - User Successfully Authenticated -
10/14/16 02:58:47.433 - Client Report Submitted - Client Report Submitted for Q3 2016
01/03/17 12:02:14.183 - User Failed to Authenticate -
01/03/17 12:02:45.217 - User Successfully Authenticated -
01/03/17 12:03:11.613 - Client Report Saved - Client Report Saved for Q4 2016
01/10/17 11:00:36.607 - User Failed to Authenticate -
01/10/17 11:00:45.803 - User Failed to Authenticate -
01/12/17 02:29:05.717 - User Successfully Authenticated -
01/15/17 04:42:36.593 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:11:48.697 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:39:40.453 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:20:29.913 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 01:39:22.497 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:52.520 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:30:35.280 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 01:30:38.123 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 09:04:49.310 - User Successfully Authenticated -
01/20/17 09:07:29.563 - Client Report Submitted - Client Report Submitted for Q4 2016

1/20/17 Letter of Explanation received. Letter of acknowledgement sent.

No previous late filings.

Staff recommendation is as follows:

Letter of Explanation
AD

From: Connor Harrington <connor@mannixlawfirm.com>
Sent: Friday, January 20, 2017 9:18 AM
To: OGEC Mail * OGEC
Subject: Letter of Explanation

Kevin L. Mannix, P.C. received a Failure to File Quarterly Report notice today and was also notified of a \$50 penalty. On behalf of Kevin L. Mannix, P.C., I spoke with OGEC staff about the report and confirmed that the status of the Q4 report was "pending." OGEC staff advised me to try completing the electronic signature portion of the form and upon doing so the report status changed to "filed." I kindly request that the \$50.00 penalty be waived in this instance.

Thank you.

Sincerely,
Connor Harrington

Connor J. Harrington
Attorney at Law
Kevin L. Mannix, P.C.
2009 State St.
Salem, OR 97301
(503) 364-1913 ofc
connor@mannixlawfirm.com

Confidentiality Warning: This e-mail contains information intended only for the use of the individual or entity named above. If the reader of this e-mail is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, any dissemination, publication or copying of this e-mail is strictly prohibited. The sender does not accept any responsibility for any loss, disruption or damage to your data or computer system that may occur while using data contained in, or transmitted with, this e-mail. If you have received this e-mail in error, please immediately notify us by return e-mail. Thank you.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Partnership for Safety and Justice
Attn: Anita Rodgers
825 NE 20th Ave., Suite 250
Portland OR 97232

Dear Ms. Rodgers:

The written explanation of why your Q4 client expenditure report and lobbyist expenditure report for Shannon Wight was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$10 penalties to total \$20 will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Client/Employer Activity

Q4 2016

Client Code: 514
User Name: anita4psj
Email: anita@safetyandjustice.org

Q4 2016 Filing: 1/16/2017
Q4 2016 Expended: \$16,079.17
Q4 2016 Penalty: \$10.00

Partnership for Safety and Justice
Attn: Anita Rodgers
825 NE 20th Ave, Ste 250
Portland, OR 97232

Activity Log - Q4 2016 to Date

10/14/16 02:12:32.737 - User Successfully Authenticated -
10/14/16 02:36:29.670 - Client Report Submitted - Client Report Submitted for Q3 2016
10/14/16 02:40:11.510 - User Successfully Authenticated -
01/15/17 04:42:35.890 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:11:32.867 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 03:56:26.420 - User Successfully Authenticated -
01/16/17 03:58:56.657 - Client Report Submitted - Client Report Submitted for Q4 2016
01/16/17 04:00:26.870 - User Profile Updated - The user's main profile was updated.
01/16/17 04:00:35.847 - User Profile Updated - User profile updated for Anita Rodgers
01/18/17 01:32:55.263 - User Successfully Authenticated -
01/18/17 01:42:47.443 - User Successfully Authenticated -

1/18/17 Letter of Explanation received. Letter of acknowledgement sent.

Letter of Explanation


No previous late filing. Staff recommendation is as follows:

From: Anita Rodgers <anita@safetyandjustice.org>
Sent: Wednesday, January 18, 2017 3:35 PM
To: OGEC Mail * OGEC
Subject: Fee waiver request
Attachments: OGEC fee waiver request 1-18-2017.docx

Dear Oregon Government Ethics Commission,

We are requesting a waiver of the \$10 late fee accrued to Shannon Wight, Lobbyist and the \$10 late fee accrued to Anita Rodgers, Client/Employer. Due to a glitch in the filing computer system, I did not receive reminders of the upcoming due date. I had it on my radar, but erroneously thought the due date would be 1/17/17, the next business day after January 15th. I spoke with your office this afternoon and am now clear that with the online system, all reports are due on the 15th regardless of weekends and holidays.

My apologies for our office being late with both reports. I will make sure we do not miss the deadline again.

We appreciate your time and consideration of this waiver request.

Anita Rodgers | Finance & Operations Director

Partnership for Safety and Justice

825 NE 20th Ave, Suite 250

Portland, OR 97232

(503) 335-8449 (phone)

(503) 232-1922 (fax)

www.safetyandjustice.org



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Broadway Cab
Attn: Dean Hebner
8725 NE Emerson St.
Portland OR 97220

Dear Mr. Hebner:

The written explanation of why your Q4 client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$30 penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Client/Employer Activity

Q4 2016

Client Code: 252
User Name: BCAB8725
Email: jthompson@broadwaycab.com

Broadway Cab LLC
Attn: Jennifer Thompson
8725 Emerson St
Portland, OR 97220

Q4 2016 Filing: 1/18/2017
Q4 2016 Expended: \$0.00
Q4 2016 Penalty: \$30.00

Activity Log - Q4 2016 to Date

10/06/16 10:52:09.173 - User Successfully Authenticated -
10/06/16 10:54:05.937 - Client Report Submitted - Client Report Submitted for Q3 2016
01/15/17 04:42:35.157 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:11:20.233 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:36:27.737 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:20:15.127 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 01:34:53.463 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:41.933 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 02:17:39.977 - Client Report Submitted - Client Report Submitted for Q4 2016
01/18/17 02:21:37.090 - User Failed to Authenticate -

1/18/17 Letter of Explanation received. Letter of acknowledgement sent.

No previous late filing. Account currently inactive. Staff recommendation is as follows:

Letter of Explanation
1/18/17

DANIEL Kathy * OGEC

el

From: Dean Hebner <dhebner@broadwaycab.com>
Sent: Wednesday, January 18, 2017 3:20 PM
To: DANIEL Kathy * OGEC
Subject: Waive Penalty Lobby Report - Broadway Cab, LLC

Kathy,

I am the new controller with Broadway Cab, LLC and started little less than a month ago. There is nobody here that was familiar with filing the quarterly report with Oregon Ethics Commission. By the time we were able to make contact, our report was late by 3 days or \$30. Since this is a first time our report has been filed late with your organization, I am asking that the penalty be waived. In addition, we have no intention of needing a lobbyist in the foreseeable future.

Thank you for your consideration

Dean Hebner, Controller
Broadway Cab
Direct: 503-727-6156
For Dispatch: 503-333-3333
8725 NE Emerson Street
Portland, OR 97220



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 24, 2017

City of Springfield
Attn: Kristina Schmunk Kraaz for Niel Laudati
188 West B St. Bldg N
Springfield OR 97477

Dear Ms. Kraaz:

The written explanation of why the Client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the penalties will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Client/Employer Activity

Q4 2016

Client Code: 1268
User Name: CityofSpringfield
Email: nlaudati@springfield-or.gov

Q4 2016 Filing: 1/19/2017
Q4 2016 Expended: \$2,222.00
Q4 2016 Penalty: \$40.00

City of Springfield
Attn: Niel Laudati
225 Fifth Street
Springfield, OR 97477

Activity Log - Q4 2016 to Date

10/25/16 11:30:57.277 - User Profile Created - A new user profile was created.
10/25/16 11:30:57.447 - Client Profile Created - The client profile was created.
10/25/16 11:30:59.903 - User Profile Created - User profile created for Niel Laudati
10/26/16 08:30:49.920 - User Successfully Authenticated -
01/02/17 01:28:27.200 - User Failed to Authenticate -
01/02/17 01:29:40.173 - User Failed to Authenticate -
01/02/17 01:29:47.377 - User Failed to Authenticate -
01/02/17 01:31:01.813 - User Failed to Authenticate -
01/02/17 01:32:28.613 - User Failed to Authenticate -
01/02/17 01:32:34.970 - User Failed to Authenticate -
01/02/17 01:32:40.470 - User Failed to Authenticate -
01/03/17 08:12:50.880 - User Failed to Authenticate -
01/03/17 08:12:58.727 - User Failed to Authenticate -
01/03/17 08:27:26.457 - Admin User Reset Initiated - An admin user reset was initiated.
01/03/17 08:36:45.347 - Admin User Password Reset Completed - A user reset their password using an admin reset.
01/15/17 04:42:36.983 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:11:56.263 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:40:13.620 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:20:32.797 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 01:40:11.283 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:55.510 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:30:37.823 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 08:53:33.467 - Admin User Reset Initiated - An admin user reset was initiated.
01/19/17 08:55:28.800 - User Failed to Authenticate -
01/19/17 08:56:18.003 - Admin User Password Reset Completed - A user reset their password using an admin reset.
01/19/17 08:56:25.900 - User Successfully Authenticated -
01/19/17 09:11:04.073 - Client Report Submitted - Client Report Submitted for Q4 2016
02/06/17 05:30:54.727 - User Failed to Authenticate -
02/06/17 05:31:15.460 - User Failed to Authenticate -
02/07/17 02:42:33.343 - User Failed to Authenticate -
02/07/17 02:42:42.967 - User Failed to Authenticate -
02/07/17 02:45:26.073 - User Failed to Authenticate -
02/07/17 02:50:21.527 - User Failed to Authenticate -
02/07/17 02:50:27.450 - User Failed to Authenticate -
02/07/17 02:50:32.863 - User Failed to Authenticate -
02/07/17 02:50:45.337 - User Failed to Authenticate -
02/07/17 02:50:57.907 - User Failed to Authenticate -
02/07/17 02:55:00.507 - User Failed to Authenticate -
02/07/17 02:55:01.363 - User Failed to Authenticate -
02/07/17 02:55:09.227 - User Failed to Authenticate -
02/07/17 02:55:55.400 - User Failed to Authenticate -
02/07/17 02:56:02.560 - User Failed to Authenticate -
02/07/17 02:56:04.167 - User Failed to Authenticate -
02/07/17 02:57:52.113 - Admin User Reset Initiated - An admin user reset was initiated.
02/07/17 02:58:49.517 - Admin User Password Reset Completed - A user reset their password using an admin reset.
02/07/17 02:59:05.373 - User Successfully Authenticated -
02/07/17 03:18:19.370 - User Successfully Authenticated -

Niel Laudati
(Signature)

KathyD February 27th, 2017 at 9:38 AM

2/14/17 Letter of Explanation received. Letter of Acknowledgement sent.

KathyD January 19th, 2017 at 9:01 AM

1/19/17 Niel called with confusion on the Fail to File notifications. He had successfully filed his lobbyist report but not for his client acct. I sent a PW reset and explained.



February 10, 2017

RECEIVED

FEB 14 2017

OREGON GOVERNMENT
ETHICS COMMISSION

Oregon Government Ethics Commission
3218 Pringle Road SE, #220
Salem, OR 97302-1544

Re: Letter of Explanation for Late Quarterly Report for City of Springfield

Dear Oregon Government Ethics Commission:

This office represents the City of Springfield and Niel Laudati in his official capacity as a lobbyist for the City. The purpose of this letter is to provide explanation of the late filing of the City of Springfield's 2016 Q4 Report and to request that the Commission waive the \$40 civil penalty in this matter.

Niel Laudati has worked for the City of Springfield for 12 years as Community Relations Manager and recently took over a new position with the City as the Legislative and Public Affairs Manager. The City of Springfield has not previously had an internal lobbyist position. On October 26, 2016, Mr. Laudati registered both himself as a lobbyist and the City of Springfield as a client/employer of a lobbyist, both registrations being tied to his City email address.

On January 3, 2017, Niel Laudati submitted the 2016 Q4 Lobbyist Report to OGE. Immediately after Mr. Laudati submitted the 2016 Q4 Report, he received an email from OGE that this report was late and had incurred penalties. Two days later, on January 5, 2017, Mr. Laudati received an email from OGE stating that the email of January 3, 2017 was in error and that there was no issues with his 2016 Q4 Report as had been erroneously stated in the January 3rd email. For the next two weeks, Mr. Laudati continued to receive emails addressed to both "Niel Laudati" and "Niel Laudati at City of Springfield" from OGE informing him that he had not submitted his Quarterly Report (See enclosed emails from January 1-20, 2017). Mr. Laudati understood, albeit mistakenly, that he had met his requirement for filing the 2016 Q4 Report in both his role as lobbyist and as lobbyist client/employer when he filed his report on January 3, 2017. Due to his understanding of the January 5, 2017 email telling him to disregard noncompliance notices being sent in error, Mr. Laudati disregarded the further emails from OGE as he understood them to be further erroneous messages.

Finally, on January 19, 2017, after receiving a total of six emails from OGE informing him that he was accruing civil penalties for failure to file the 2016 Q4 Report, Mr.

Laudati called OGEC to clarify why he was continuing to receive erroneous messages. At that time, Mr. Laudati learned that only the emails addressed to "Niel Laudati" as a lobbyist were in error, but that the emails addressed to "Niel Laudati at the City of Springfield" were not in error, due to the requirement that a separate report be submitted on behalf of the City as a lobbyist client/employer. Upon learning that a separate 2016 Q4 Report was required on behalf of the City, Mr. Laudati promptly filed that report on the same day.

Mr. Laudati made an honest, good faith effort to comply with his understanding of the quarterly reporting requirements when he filed his lobbyist 2016 Q4 Report on January 3, 2017. Mr. Laudati would likely have discovered his misunderstanding in the requirements at an earlier point if not for OGEC's confusing emails sent both to "Niel Laudati at the City of Springfield" as a lobbyist client/employer and erroneously to "Niel Laudati" as a lobbyist informing him that his 2016 Q4 Report was still not received. Mr. Laudati and the City of Springfield now fully understand that there are separate reporting requirements for the City as a lobbyist client/employer and for Mr. Laudati as an employee/lobbyist for the City of Springfield. The City is confident that late filings of Quarterly Reports will not occur in the future. The City therefore respectfully requests that OGEC waive the \$40 penalty accrued to the City of Springfield as a lobbyist client/employer for being four days late in filing the 2016 Q4 Report.

If the Commission declines to waive the penalty in this instance, we note that, to date of this letter, OGEC has only notified the City of Springfield of the civil penalty via email. No order imposing a civil penalty in compliance with ORS 171.992, ORS 183.745, and ORS 183.415 has been served on Mr. Laudati or the City of Springfield. We ask that, if a civil penalty is imposed in this matter, notice of that penalty be sent to our office as legal counsel for the City of Springfield in addition to Mr. Laudati in the Springfield City Manager's Office. If a penalty is imposed in this case, the City intends to make a written application for hearing pursuant to ORS 183.745(3). Any guidance in how to submit that request on behalf of the City would be appreciated.

Sincerely,

LEAHY, VAN VACTOR, COX & MELENDY, LLP



Kristina Schmunk Kraaz

KSK:ljc

Enc.

cc: Client

This Report Has Been Successfully Filed

Confirmation Number HNRRM0U

*City of Springfield
client report*

Total Expended: \$2,222.00

Date Filed: 1/19/2017 9:11:03 AM
Reporting Year: 2016
Reports: Initial
Quarter: Q4
Total Expended: \$2222.00

Lobbyist/Organization paid for Lobbying

Received From	Compensation Total	Reimbursed Total
Howe Public Affairs	\$2222.00	\$

Itemized Expenses

Expense Date	Paid To	Name of Public Official	Purpose	Expense Amount
<i>No Data to Report</i>				

Additional Contributors

Name
<i>No Data to Report</i>

Notices provided to Public Officials

Filename
<i>No Data to Report</i>

This Report Has Been Successfully Filed

Confirmation Number A494HJB

Date Filed: 1/3/2017 8:32:13 AM

Reporting Year: 2016

Reports: Initial

Quarter: Q4

Total Expended: \$0.00

Estimate: No

*Need Landati
Lobby report*

Reimbursed Expenses

Received From	Reimbursed Amount
No Data to Report	

Itemized Expenses

Expense Date	Paid To	Name of Public Official	Purpose	Expense Amount	Estimated Expense
No Data to Report					

Additional Contributors

Name
No Data to Report

Notices provided to Public Officials

Filename
No Data to Report



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Mario Parker-Milligan
9301 SW Sagert St. Apt 103
Tualatin OR 97062

Dear Mr. Park-Milligan:

The written explanation of why your Q3 and Q4 lobbyist expenditure reports were filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$5,200 penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Lobbyist Activity

Q3 2016

Lobbyist Code: 639
User Name: mario@orstudents.org
Email: marioparkermiligan@gmail.com

Mario Parker-Miligan
635 NE Dekum St
Portland, OR 97211

Q3 2016 Filing: 2/2/2017
Q3 2016 Expended: \$0.00
Q3 2016 Penalty: \$4,900.00

Activity Log - Q3 2016 to Date

07/15/16 09:04:39.370 - User Successfully Authenticated -
07/15/16 09:05:24.023 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q2 2016
10/16/16 01:30:12.480 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/17/16 01:30:12.520 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/18/16 01:30:13.007 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/19/16 01:30:13.720 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/20/16 01:30:13.950 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/21/16 01:30:13.630 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/22/16 01:30:11.467 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/23/16 01:30:11.507 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/24/16 01:30:14.953 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/25/16 01:30:12.043 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/26/16 01:30:17.553 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/27/16 01:30:18.420 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/28/16 01:30:18.873 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/29/16 01:30:18.420 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/30/16 01:30:19.497 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/31/16 01:30:17.430 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/01/16 01:30:17.197 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/02/16 01:30:17.403 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/03/16 01:30:17.510 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/04/16 01:30:16.390 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/05/16 01:30:18.213 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/06/16 01:30:46.553 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/07/16 01:30:16.790 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/08/16 01:30:15.397 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/09/16 01:30:14.260 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/10/16 01:30:14.863 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/11/16 01:30:16.113 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/12/16 01:30:15.333 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/13/16 01:30:16.390 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/14/16 01:30:15.617 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/15/16 01:30:15.237 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/16/16 01:30:13.820 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/17/16 01:30:13.617 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/18/16 01:30:13.627 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/19/16 01:30:17.140 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/20/16 01:30:15.010 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/21/16 01:30:13.870 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/22/16 01:30:16.363 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/23/16 01:30:13.910 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/24/16 01:30:15.247 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/25/16 01:30:14.110 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/26/16 01:30:13.603 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/27/16 01:30:13.510 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/28/16 01:30:15.667 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/29/16 01:30:16.073 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/30/16 01:30:12.470 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/01/16 01:30:13.443 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/02/16 01:30:13.657 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/03/16 01:30:13.593 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/04/16 01:30:14.933 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/05/16 01:30:20.877 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/06/16 01:30:21.110 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/07/16 01:30:18.600 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/08/16 01:30:14.970 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3

Lobbyist Activity

Q3 2016

Lobbyist Code: 639
User Name: mario@orstudents.org
Email: marioparkermilligan@gmail.com

Q3 2016 Filing: 2/2/2017
Q3 2016 Expended: \$0.00
Q3 2016 Penalty: \$4,900.00

Mario Parker-Milligan
635 NE Dekum St
Portland, OR 97211

01/23/17 01:30:11.627 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/23/17 01:30:13.777 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/24/17 01:30:11.337 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/24/17 01:30:14.143 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/25/17 01:30:10.633 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/25/17 01:30:14.700 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/26/17 01:30:11.347 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/26/17 01:30:14.113 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/27/17 01:30:18.877 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/27/17 01:30:21.110 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/28/17 01:30:11.400 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/28/17 01:30:17.610 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/29/17 01:30:16.057 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/29/17 01:30:18.357 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/30/17 01:30:13.440 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/30/17 01:30:17.417 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/31/17 01:30:15.910 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/31/17 01:30:18.837 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
01/31/17 12:03:32.720 - Admin User Reset Initiated - An admin user reset was initiated.
01/31/17 12:04:48.710 - Admin User Password Reset Completed - A user reset their password using an admin reset.
01/31/17 12:06:28.227 - User Successfully Authenticated -
01/31/17 12:07:17.913 - User Password Reset - The user's password was reset from the "My Profile" page.
01/31/17 12:07:18.057 - User Profile Updated - The user's main profile was updated.
01/31/17 12:07:22.420 - User Profile Updated - User profile updated for Mario Parker-Milligan
02/01/17 01:30:18.630 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
02/01/17 01:30:22.390 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
02/02/17 01:30:12.797 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
02/02/17 01:30:14.793 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
02/02/17 09:02:26.700 - User Failed to Authenticate -
02/02/17 09:03:02.703 - User Failed to Authenticate -
02/02/17 09:03:31.380 - User Failed to Authenticate -
02/02/17 09:03:46.790 - User Failed to Authenticate -
02/02/17 09:05:33.773 - User Successfully Authenticated -
02/02/17 09:07:23.977 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2016
02/02/17 09:08:40.780 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2016

no comment
Lillian [signature]

Lobbyist Activity


Q4 2016

Lobbyist Code: 639
 User Name: mario@orstudents.org
 Email: marioparkermilligan@gmail.com

Q4 2016 Filing: 2/2/2017
 Q4 2016 Expended: \$0.00
 Q4 2016 Penalty: \$300.00

Mario Parker-Milligan
 635 NE Dekum St
 Portland, OR 97211

- 01/24/17 01:30:11.337 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/24/17 01:30:14.143 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/25/17 01:30:10.633 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/25/17 01:30:14.700 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/26/17 01:30:11.347 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/26/17 01:30:14.113 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/27/17 01:30:18.877 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/27/17 01:30:21.110 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/28/17 01:30:11.400 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/28/17 01:30:17.610 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/29/17 01:30:16.057 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/29/17 01:30:18.357 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/30/17 01:30:13.440 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/30/17 01:30:17.417 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/31/17 01:30:15.910 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/31/17 01:30:18.837 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 01/31/17 12:03:32.720 - Admin User Reset Initiated - An admin user reset was initiated.
- 01/31/17 12:04:48.710 - Admin User Password Reset Completed - A user reset their password using an admin reset.
- 01/31/17 12:06:28.227 - User Successfully Authenticated -
- 01/31/17 12:07:17.913 - User Password Reset - The user's password was reset from the "My Profile" page.
- 01/31/17 12:07:18.057 - User Profile Updated - The user's main profile was updated.
- 01/31/17 12:07:22.420 - User Profile Updated - User profile updated for Mario Parker-Milligan
- 02/01/17 01:30:18.630 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/01/17 01:30:22.390 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/02/17 01:30:12.797 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/02/17 01:30:14.793 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/02/17 09:02:26.700 - User Failed to Authenticate -
- 02/02/17 09:03:02.703 - User Failed to Authenticate -
- 02/02/17 09:03:31.380 - User Failed to Authenticate -
- 02/02/17 09:03:46.790 - User Failed to Authenticate -
- 02/02/17 09:05:33.773 - User Successfully Authenticated -
- 02/02/17 09:07:23.977 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2016
- 02/02/17 09:08:40.780 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2016

Handwritten: \$50


KathyD February 2th, 2017 at 2:57 PM

2/2/17 I responded to a letter sent from employer Ibarra asking to backdate the termination. My response was I cannot. Mario needs to file his reports and write a letter to the Commission, then file his Q1 2017 report in April.

KathyD January 31th, 2017 at 12:10 PM

1/31/17 I spoke with Mario and he has not been a lobbyist since August 2016. He did not terminate his registration. His client terminated him on 1/16/17. I changed his password and instructed him to get into his account and file his past reports.

KathyD November 3th, 2016 at 11:54 AM

11/3/16 Called and LM.

Staff recommendation is as follows:

RECEIVED

FEB 03 2017

L

OREGON GOVERNMENT
ETHICS COMMISSION

MARIO PARKER-MILLIGAN

9301 SW Sager St, Apt. 103, Tualatin, OR 97062 | marioparkermilligan@gmail.com
| 541.515.2652

February 3rd, 2017

Oregon Government Ethics Commission
c/o Chair Golden, Vice Chair Kean, Executive Director Bersin
3218 Pringle Rd, SE, Suite 220
Salem, OR 97302-1544

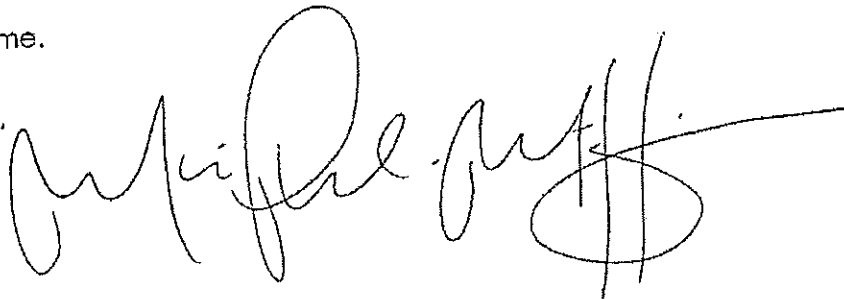
Chair Golden, Vice Chair Kean, Director Bersin & Members of the Commission,

I hope this message finds you well, as I am sure you all are very busy with the beginning of a new year and the long legislative session. I write to you today to explain the circumstances behind my delay in filing Q3 and Q4 reports for 2016. I was formerly employed by the Oregon Student Association (OSA) and a registered lobbyist for the organization from June 2013 through the end of August 2016. Since then I have not lobbied for OSA or any other individual or organization in any official capacity. Since my last day, August 30th, 2016 I have not had access to the email account associated with my lobbying account, hence why I did not receive written notification from the commission, nor had any notice in email or letter form been forwarded to me from OSA. As of last night, I gained access to my account through the commission's online portal and filed reports for Q3 and Q4.

I understand, completely, the seriousness of not filing reports on -time or at all – however, because of the circumstances and because I had not been lobbying and had nothing to hide, I hope we can find a reasonable solution to mitigate any fees or penalties you must consider.

I look forward to hearing back and should you have any questions please don't hesitate to contact me.

Sincerely,



(

(

(



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Oregon Mutual Insurance
Attn: Steven Patterson
PO Box 808
McMinnville OR 97128

Dear Mr. Patterson:

The written explanation of why your Q4 client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$30 penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Client/Employer Activity

Q4 2016

Client Code: 7
User Name: stevep
Email: steve.patterson@ormutual.com

Q4 2016 Filing: 1/18/2017
Q4 2016 Expended: \$2,461.75
Q4 2016 Penalty: \$30.00

Oregon Mutual Insurance
Attn: Steven Patterson
PO Box 808
McMinnville, OR 97128

Activity Log - Q4 2016 to Date

10/13/16 05:09:26.937 - User Failed to Authenticate -
10/13/16 05:09:41.367 - User Failed to Authenticate -
10/13/16 05:09:51.723 - User Failed to Authenticate -
10/13/16 05:11:59.440 - User Failed to Authenticate -
10/13/16 05:12:43.420 - User Failed to Authenticate -
10/13/16 05:12:56.927 - User Failed to Authenticate -
10/13/16 05:13:53.357 - User Failed to Authenticate -
10/13/16 05:14:09.767 - User Failed to Authenticate -
10/13/16 05:14:21.813 - User Failed to Authenticate -
10/13/16 05:15:28.970 - User Failed to Authenticate -
10/13/16 05:15:36.503 - User Failed to Authenticate -
10/13/16 05:15:43.900 - User Failed to Authenticate -
10/13/16 05:16:01.380 - User Failed to Authenticate -
10/14/16 10:46:40.767 - User Account Unlocked - The user's account was unlocked.
10/14/16 10:52:32.780 - Admin User Reset Initiated - An admin user reset was initiated.
10/14/16 10:53:41.107 - Admin User Password Reset Completed - A user reset their password using an admin reset.
10/14/16 10:53:54.370 - User Successfully Authenticated -
10/14/16 10:57:54.043 - Client Report Submitted - Client Report Submitted for Q3 2016
01/15/17 04:42:34.333 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:11:14.117 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 03:58:32.103 - User Failed to Authenticate -
01/16/17 03:58:43.937 - User Failed to Authenticate -
01/16/17 03:59:10.127 - User Failed to Authenticate -
01/16/17 06:20:09.807 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:37.417 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 03:10:52.013 - User Failed to Authenticate -
01/18/17 03:11:01.510 - User Failed to Authenticate -
01/18/17 03:16:10.150 - Admin User Reset Initiated - An admin user reset was initiated.
01/18/17 03:17:19.310 - Admin User Password Reset Completed - A user reset their password using an admin reset.
01/18/17 03:17:37.343 - User Successfully Authenticated -
01/18/17 03:57:55.003 - User Successfully Authenticated -
01/18/17 04:02:20.237 - Client Report Submitted - Client Report Submitted for Q4 2016

1/18/17 Letter of Explanation received. Letter of acknowledgement sent.

Q2 2016 late penalty paid in full 9/22/16

Staff recommendation is as follows:

*No meeting
off consent*

DANIEL Kathy * OGE

al

From: Steven Patterson <steve.patterson@ormutual.com>
Sent: Wednesday, January 18, 2017 4:29 PM
To: OGE Mail * OGE
Subject: Fine Waiver Request

330

Dear Ethics Commission: I write to ask for a reversal of the penalty fees for late filing of the 4Q 2016 report. I have been an electronic filer since October of 2015 and have filed quarterly since. On January 6, 2017, my colleague and Lobbyist Chris McLaran sent me a copy of his 4Q filing to aid in my preparation. At the time I sent him a note indicating that it seemed odd I had not received notice and looked through all my mail, trash, junk mail, spam etc. to make sure I had not missed it.

On January 12 and 13th, and again on January 16, I called to inquire about my notice and to indicate that my attempts to sign into the OEGC account had not been successful and to obtain some assistance. Those calls resulted in messages after ringing for a bit and in the case of January 16, the office was closed for MLK. On 1/17 I received two notices indicating I had not filed and was subject to fines because I had been notified on 1/1, 1/10 and again on 1/15. Respectfully, I called in immediately because I had not been notified or reminded as suggested in the late notice. My call to at 503-378-5105 on the 17th was met by a message that said if I was calling because I had received a notice of a late fee that OEGC was experiencing difficulty with the electronic system and that the notices were in error and the fine notice should be disregarded. Today I called and got right through. Staff was very helpful in helping me get signed into the system to file the report and I did so as I had attempted to do prior.

I understand both the necessity of the reports and the need for timely filings and compliance. It is both my personal desire and that of our company to comply with all laws and regulations. I ask that you consider the circumstances of the failed notice, my attempts at compliance prior to the deadline and prior to today's success and the delay caused by errors for which I am not responsible and waive the penalty assessed. I thank you for your consideration.

Regards

Steven L. Patterson
Corporate Secretary-Treasurer,
Vice President & General Counsel
Oregon Mutual Insurance
400 NE Baker St. | PO Box 808
McMinnville Oregon 97128
503-565-2818 Direct | 971-241-6194 Cell | 503-565-3739 Fax
steve.patterson@ormutual.com | www.ormutual.com

Integrity | Respect | Innovation | Independence | Citizenship

CONFIDENTIALITY NOTICE:

This electronic transmission and any attached documents or other writings are confidential and are for the sole use of the intended recipient(s) identified above. This message may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law. If you, as the receiver of this information, are not the intended recipient, or the employee, or agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 23, 2017

Union Pacific Railroad
Attn: Aaron Hunt
301 NE 2nd Ave.
Portland OR 97232

Dear Mr. Hunt:

The written explanation of why your Q3 and Q4 client expenditure reports were filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, March 10, 2017, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$5,700 penalty will be extended to coincide with the March 10th meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



Client/Employer Activity

Q4 2016

Client Code: 453
User Name: michaelell
Email: amhunt@up.com

Q4 2016 Filing: 2/10/2017
Q4 2016 Expended: \$2,500.00
Q4 2016 Penalty: \$700.00

Union Pacific Railroad
Attn: Aaron Hunt
301 NE 2nd Ave
Portland, OR 97232

12/10/16 01:30:15.563 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/11/16 01:30:16.813 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/12/16 01:30:19.020 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/13/16 01:30:15.703 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/14/16 01:30:14.697 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/15/16 01:30:20.113 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/16/16 01:30:23.030 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/17/16 01:30:12.557 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/18/16 01:30:13.653 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/19/16 01:30:12.290 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/20/16 01:30:12.413 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/21/16 01:30:13.397 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/22/16 01:30:17.297 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/23/16 01:30:12.623 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/24/16 01:30:16.797 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/25/16 01:30:19.640 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/26/16 01:30:14.223 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/27/16 01:30:19.050 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/28/16 01:30:14.320 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/29/16 01:30:17.527 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/30/16 01:30:14.673 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/31/16 01:30:13.133 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/01/17 01:43:03.303 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/02/17 01:30:21.720 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/03/17 01:30:17.367 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/04/17 01:30:17.797 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/05/17 01:30:17.057 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/06/17 01:30:14.030 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/07/17 01:30:13.633 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/08/17 01:30:18.060 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/09/17 01:30:13.770 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/10/17 01:30:21.543 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/11/17 01:30:15.037 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/12/17 01:30:21.630 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/13/17 01:30:20.667 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/14/17 01:30:18.040 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/15/17 01:30:19.403 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/15/17 04:42:31.947 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/15/17 04:42:35.610 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:10:29.187 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/15/17 06:11:27.063 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:30:28.103 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/16/17 01:37:07.957 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:19:40.953 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/16/17 06:20:19.260 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 01:30:19.650 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/17/17 01:36:08.840 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:17.623 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/18/17 01:30:45.577 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:30:17.407 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/19/17 01:30:31.053 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 01:30:18.937 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/20/17 01:30:33.117 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/21/17 01:30:19.010 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/21/17 01:30:29.067 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/22/17 01:30:23.220 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/22/17 01:30:36.027 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4

Client/Employer Activity

Q4 2016

Client Code: 453	Q4 2016 Filing: 2/10/2017
User Name: michaeleli	Q4 2016 Expended: \$2,500.00
Email: amhunt@up.com	Q4 2016 Penalty: \$700.00

Union Pacific Railroad
 Attn: Aaron Hunt
 301 NE 2nd Ave
 Portland, OR 97232

- 01/23/17 01:30:12.233 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/23/17 01:30:15.867 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/24/17 01:30:11.993 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/24/17 01:30:16.980 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/25/17 01:30:11.987 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/25/17 01:30:19.123 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/26/17 01:30:12.263 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/26/17 01:30:16.057 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/27/17 01:30:19.580 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/27/17 01:30:23.213 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/28/17 01:30:13.490 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/28/17 01:30:22.350 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/29/17 01:30:16.957 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/29/17 01:30:20.257 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/30/17 01:30:14.970 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/30/17 01:30:21.020 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/31/17 01:30:16.580 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/31/17 01:30:20.707 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/01/17 01:30:20.003 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/01/17 01:30:25.790 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/02/17 01:30:13.513 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/02/17 01:30:16.227 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/03/17 01:30:17.807 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/03/17 01:30:20.680 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/04/17 01:30:16.883 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/04/17 01:30:20.400 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/05/17 01:30:19.103 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/06/17 01:30:24.373 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/07/17 01:30:16.733 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/07/17 10:45:09.683 - User Profile Updated - User profile updated for Mike Eliason
- 02/07/17 10:45:18.347 - User Profile Updated - The user's main profile was updated.
- 02/07/17 10:47:25.847 - User Profile Updated - User profile updated for Aaron Hunt
- 02/07/17 10:47:34.527 - User Profile Updated - The user's main profile was updated.
- 02/07/17 11:01:19.447 - Admin User Reset Initiated - An admin user reset was initiated.
- 02/07/17 11:02:38.460 - Admin User Password Reset Completed - A user reset their password using an admin reset.
- 02/07/17 11:03:14.917 - User Successfully Authenticated -
- 02/07/17 11:03:38.637 - User Profile Updated - User profile updated for Aaron Hunt
- 02/07/17 11:03:47.447 - User Profile Updated - The user's main profile was updated.
- 02/07/17 11:07:23.573 - Admin User Reset Initiated - An admin user reset was initiated.
- 02/08/17 01:30:18.660 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/09/17 01:30:20.023 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/10/17 01:30:21.380 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/10/17 01:58:14.753 - Admin User Reset Initiated - An admin user reset was initiated.
- 02/10/17 01:59:11.563 - Admin User Password Reset Completed - A user reset their password using an admin reset.
- 02/10/17 01:59:43.747 - User Successfully Authenticated -
- 02/10/17 02:08:48.670 - User Successfully Authenticated -
- 02/10/17 02:11:55.630 - User Profile Updated - The user's main profile was updated.
- 02/10/17 02:12:00.733 - User Profile Updated - User profile updated for Aaron Hunt
- 02/10/17 09:47:38.480 - User Successfully Authenticated -
- 02/10/17 09:52:17.067 - Client Report Submitted - Client Report Submitted for Q3 2016
- 02/10/17 09:55:32.883 - Client Report Submitted - Client Report Submitted for Q4 2016

Mc consist with
A/W *RD*

Client/Employer Activity

Q3 2016

Client Code: 453
User Name: michaelell
Email: amhunt@up.com

Q3 2016 Filing: 2/10/2017
Q3 2016 Expended: \$3,000.00
Q3 2016 Penalty: \$5,000.00

Union Pacific Railroad
Attn: Aaron Hunt
301 NE 2nd Ave
Portland, OR 97232

Activity Log - Q3 2016 to Date

07/14/16 09:43:38.123 - User Failed to Authenticate -
07/14/16 09:44:44.317 - User Successfully Authenticated -
07/14/16 09:46:37.737 - Client Report Submitted - Client Report Submitted for Q2 2016
09/15/16 10:15:34.317 - User Failed to Authenticate -
09/15/16 12:26:42.137 - User Successfully Authenticated -
10/16/16 01:30:13.323 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/17/16 01:30:13.127 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/18/16 01:30:13.337 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/19/16 01:30:14.047 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/20/16 01:30:14.200 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/21/16 01:30:13.943 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/22/16 01:30:11.687 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/23/16 01:30:11.727 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/24/16 01:30:15.157 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/25/16 01:30:12.200 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/26/16 01:30:20.613 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/27/16 01:30:21.577 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/28/16 01:30:22.350 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/29/16 01:30:21.157 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/30/16 01:30:23.240 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q3
10/31/16 01:30:20.567 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/01/16 01:30:19.893 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/02/16 01:30:20.197 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/03/16 01:30:20.287 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/04/16 01:30:18.887 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/05/16 01:30:22.797 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/06/16 01:30:49.377 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/07/16 01:30:19.550 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/08/16 01:30:17.473 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/09/16 01:30:16.833 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/10/16 01:30:17.460 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/11/16 01:30:18.747 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/12/16 01:30:17.703 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/13/16 01:30:20.430 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/14/16 01:30:18.440 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/15/16 01:30:17.610 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/16/16 01:30:15.223 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/17/16 01:30:16.107 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/18/16 01:30:15.107 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/19/16 01:30:18.713 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/20/16 01:30:16.337 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/21/16 01:30:15.117 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/22/16 01:30:18.593 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/23/16 01:30:15.423 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/24/16 01:30:16.650 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/25/16 01:30:15.497 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/26/16 01:30:14.973 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/27/16 01:30:15.523 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/28/16 01:30:17.240 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/29/16 01:30:17.437 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
11/30/16 01:30:14.040 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/01/16 01:30:14.880 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/02/16 01:30:15.230 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/03/16 01:30:14.997 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/04/16 01:30:16.390 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3

Client/Employer Activity

Q3 2016

Client Code: 453
User Name: michaeleli
Email: amhunt@up.com

Q3 2016 Filing: 2/10/2017
Q3 2016 Expended: \$3,000.00
Q3 2016 Penalty: \$5,000.00

Union Pacific Railroad
Attn: Aaron Hunt
301 NE 2nd Ave
Portland, OR 97232

12/05/16 01:30:22.263 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/06/16 01:30:23.237 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/07/16 01:30:20.410 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/08/16 01:30:16.280 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/09/16 01:30:14.890 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/10/16 01:30:15.563 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/11/16 01:30:16.813 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/12/16 01:30:19.020 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/13/16 01:30:15.703 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/14/16 01:30:14.697 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/15/16 01:30:20.113 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/16/16 01:30:23.030 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/17/16 01:30:12.557 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/18/16 01:30:13.653 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/19/16 01:30:12.290 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/20/16 01:30:12.413 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/21/16 01:30:13.397 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/22/16 01:30:17.297 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/23/16 01:30:12.623 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/24/16 01:30:16.797 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/25/16 01:30:19.640 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/26/16 01:30:14.223 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/27/16 01:30:19.050 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/28/16 01:30:14.320 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/29/16 01:30:17.527 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/30/16 01:30:14.673 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
12/31/16 01:30:13.133 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/01/17 01:43:03.303 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/02/17 01:30:21.720 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/03/17 01:30:17.367 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/04/17 01:30:17.797 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/05/17 01:30:17.057 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/06/17 01:30:14.030 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/07/17 01:30:13.633 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/08/17 01:30:18.060 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/09/17 01:30:13.770 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/10/17 01:30:17.543 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/11/17 01:30:15.037 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/12/17 01:30:28.1630 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/13/17 01:30:20.667 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/14/17 01:30:18.040 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/15/17 01:30:19.403 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/15/17 04:42:31.947 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/15/17 04:42:35.610 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/15/17 06:10:29.187 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/15/17 06:11:27.063 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 01:30:28.103 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/16/17 01:37:07.957 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/16/17 06:19:40.953 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/16/17 06:20:19.260 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/17/17 01:30:19.650 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/17/17 01:36:08.840 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/18/17 01:30:17.623 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/18/17 01:30:45.577 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/19/17 01:30:17.407 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
01/19/17 01:30:31.053 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
01/20/17 01:30:18.937 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3

Client/Employer Activity

Q3 2016

Client Code: 453
 User Name: michaelell
 Email: amhunt@up.com

Q3 2016 Filing: 2/10/2017
 Q3 2016 Expended: \$3,000.00
 Q3 2016 Penalty: \$5,000.00

Union Pacific Railroad
 Attn: Aaron Hunt
 301 NE 2nd Ave
 Portland, OR 97232

- 01/20/17 01:30:33.117 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/21/17 01:30:19.010 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/21/17 01:30:29.067 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/22/17 01:30:23.220 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/22/17 01:30:36.027 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/23/17 01:30:12.233 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/23/17 01:30:15.867 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/24/17 01:30:11.993 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/24/17 01:30:16.980 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/25/17 01:30:11.987 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/25/17 01:30:19.123 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/26/17 01:30:12.263 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/26/17 01:30:16.057 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/27/17 01:30:19.580 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/27/17 01:30:23.213 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/28/17 01:30:13.490 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/28/17 01:30:22.350 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/29/17 01:30:16.957 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/29/17 01:30:20.257 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/30/17 01:30:14.970 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/30/17 01:30:21.020 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 01/31/17 01:30:16.580 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 01/31/17 01:30:20.707 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 02/01/17 01:30:20.003 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/01/17 01:30:25.790 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 02/02/17 01:30:13.513 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/02/17 01:30:16.227 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 02/03/17 01:30:17.807 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/03/17 01:30:20.680 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 02/04/17 01:30:16.883 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/04/17 01:30:20.400 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 02/05/17 01:30:19.103 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/06/17 01:30:24.373 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 02/07/17 01:30:16.733 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q3
- 02/07/17 10:45:09.683 - User Profile Updated - User profile updated for Mike Eliason
- 02/07/17 10:45:18.347 - User Profile Updated - The user's main profile was updated.
- 02/07/17 10:47:25.847 - User Profile Updated - User profile updated for Aaron Hunt
- 02/07/17 10:47:34.527 - User Profile Updated - The user's main profile was updated.
- 02/07/17 11:01:19.447 - Admin User Reset Initiated - An admin user reset was initiated.
- 02/07/17 11:02:38.460 - Admin User Password Reset Completed - A user reset their password using an admin reset.
- 02/07/17 11:03:14.917 - User Successfully Authenticated -
- 02/07/17 11:03:38.637 - User Profile Updated - User profile updated for Aaron Hunt
- 02/07/17 11:03:47.447 - User Profile Updated - The user's main profile was updated.
- 02/07/17 11:07:23.573 - Admin User Reset Initiated - An admin user reset was initiated.
- 02/08/17 01:30:18.660 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/09/17 01:30:20.023 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2016 Q4
- 02/10/17 01:30:21.380 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q4
- 02/10/17 01:58:14.753 - Admin User Reset Initiated - An admin user reset was initiated.
- 02/10/17 01:59:11.563 - Admin User Password Reset Completed - A user reset their password using an admin reset.
- 02/10/17 01:59:43.747 - User Successfully Authenticated -
- 02/10/17 02:08:48.670 - User Successfully Authenticated -
- 02/10/17 02:11:55.630 - User Profile Updated - The user's main profile was updated.
- 02/10/17 02:12:00.733 - User Profile Updated - User profile updated for Aaron Hunt
- 02/10/17 09:47:38.480 - User Successfully Authenticated -
- 02/10/17 09:52:17.067 - Client Report Submitted - Client Report Submitted for Q3 2016
- 02/10/17 09:55:32.883 - Client Report Submitted - Client Report Submitted for Q4 2016

Handwritten signature

2/7/17 Email from Cindy Roberts with UP notifying us that Mike Eliason has left UP and successor is Aaron Hunt. I made changes to the Union Pacific account to reflect the transition and discovered that Mike Eliason had not filed quarterly reports for Q3 & Q4. All notifications were going to his dead email inbox and there was not Alternate Contact person to be notified. I've asked Cindy to have Aaron Hunt call me to discuss late filing.

2/10/17 Letter of Explanation received. Letter of acknowledgement sent.

Staff recommendation is as follows:

DANIEL Kathy * OGEC

cc

From: Aaron M. Hunt <AMHUNT@up.com>
Sent: Friday, February 10, 2017 10:50 PM
To: OGEC Mail * OGEC; DANIEL Kathy * OGEC
Subject: Union Pacific Railroad Letter of Explanation

Oregon Government Ethics Commission,

My name is Aaron Hunt. I was recently named Public Affairs Director for Union Pacific Railroad in Oregon. I have now relocated to Oregon from Nebraska with my family.

As part of my new role, I recently logged on to the Oregon Government Ethics Commission website to register as a lobbyist for Union Pacific. In the process of doing so, I learned that the email account used as the primary contact for the Union Pacific client account was my predecessor's email address. My predecessor left the company several months ago in 2016. The secondary contact listed also left the company in 2016. Due to these inactive email addresses, none of us at Union Pacific were aware there were delayed Union Pacific reports due to the Commission. No Union Pacific Railroad employees or contractors received any of the Commission notifications sent 10/1/2016, 10/10/2016 and 10/15/2016 for the 2016 Q3 reporting period. We also did not receive the Commission notifications sent 1/1/2017, 1/10/2017 and 1/15/2017 for the 2016 Q4 reporting period. I sincerely apologize for this delay.

As soon as I was made aware of the issue, I worked with Kathy Daniel to rectify the problems with the Union Pacific account, register as a lobbyist with the Commission, and submit the delayed reports. Kathy Daniel was instrumental to this process as it required administrative access to the Commission website to reset passwords, etc. I am very appreciative of her assistance.

I have created redundancies now for the Union Pacific client account to assure this issue does not happen again. We have listed primary and secondary email contacts for all Commission communications going to Union Pacific Railroad and have shared quarterly reporting requirements with a variety of team members so the reporting dates are being tracked internally.

Again, we apologize that we were unaware 2016 reports had not been filed since the departure of my predecessor. We ask that the Commission consider waiving the fines as this is a first time issue for Union Pacific and we have shown good faith in constructing a process to prevent a repeat issue.

Thank you for your time and consideration.

Aaron Hunt
Director, Public Affairs
Union Pacific Railroad
301 NE 2nd Ave
Portland, OR 97232
503-249-3079
@aaronmhunt

**

This email and any attachments may contain information that is confidential and/or privileged for the sole use of the intended recipient. Any use, review, disclosure, copying, distribution or reliance by others, and any

- D. ORS 244.350 authorizes the Commission to assess civil penalties of up to \$5000 for each late filing of an annual verified statement of economic interest, for a total of \$15,000 in civil penalties for the three late filings described in paragraph B above.
- E. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 244.050.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On May 20, 2016, the Commission acted to find violations of ORS 244.050 and move to a negotiated settlement or a contested case hearing. The May 20, 2016 action was a preliminary finding of violations of Oregon Government Ethics law, as a prelude to a stipulated settlement or a contested case hearing, and not a final conclusion regarding a violation of Oregon Government Ethics law by Cary Clarke.
- B. Cary Clarke will pay a civil penalty, as authorized by ORS 244.350, in the amount of \$750.00 in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Cary Clarke within the scope of the above-referenced proceedings.
- D. Cary Clarke will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

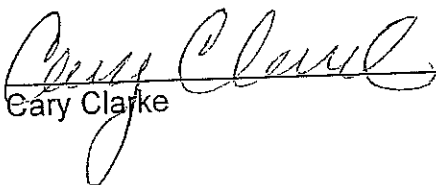
6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Cary Clarke agrees to waive his right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Cary Clarke agrees to waive his right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.


Cary Clarke

11/30/2017
Date

Daniel T. Golden, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Dana Smith

)
)
)
)
)
)
)

STIPULATED FINAL ORDER

CASE NO. 16-135EDG

RECEIVED

FEB 09 2017

OREGON GOVERNMENT
ETHICS COMMISSION

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) in the above cited case against Dana Smith.

2. JURISDICTION: At all material times, Dana Smith was a City Councilor for the City of Silverton. Dana Smith was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:
 - A. Dana Smith and her spouse, along with six other individuals, have an ownership interest in Evans Oaks, LLC, a company formed in 2016 to develop a pocket neighborhood of small cottages on property in Silverton. In 2015, two other co-owners of Evans Oaks, LLC, transferred title of undeveloped property they owned to their newly formed company, Reserve Street Cottages, LLC. In order to develop this property for cottages, certain issues had to be addressed and approved by the Silverton City Council.

 - B. On 5/2/16, the Silverton City Council held a public hearing to consider an application on behalf of Reserve Street Cottages, LLC, for the vacation of a right-of-way that would expand their 1.2 acre property to 1.4 acres, an action necessary for the cottage development. The owner's application stated that Evans Oaks, LLC, intended to submit a proposal for a cottage development on this property. Dana Smith, as a member of the city council, announced

on that occasion that she had a conflict of interest due to her personal financial interest in the development and she refrained from participating in discussion, debate, or vote on the issue.

- C. On 6/6/16, the Silverton City Council considered a petition on behalf of Reserve Street Cottages, LLC, for an extension of the City's main sewer line to their 1.4 acre property. Reserve Street Cottages, LLC, would initially bear the cost. This sewer extension would require other properties along the newly extended sewer line to eventually pay to connect to the sewer, and in some instances, reimburse Reserve Street Cottages, LLC, for a portion of the initial sewer extension. On this occasion, Dana Smith, in her capacity as a city councilor, failed to publicly disclose a potential conflict of interest prior to participating in the discussion and vote on the issue. Ms. Smith says she believed that she was not met with a conflict of interest because this matter affected other properties in addition to the property that Evans Oaks LLC, intended to develop.
- D. ORS 244.120(2) requires elected public officials, such as a City Councilor, to publicly announce the nature of their potential conflict of interest prior to taking official action which could result in financial gain or detriment to the public official, their relative, or a business with which they or their relative is associated.
- E. The action described in paragraph C above constituted a violation of ORS 244.120(2).
- F. ORS 244.350 authorizes the Commission to assess civil penalties of up to \$5,000 per violation.
- G. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a

preponderance of evidence in support of a post-hearing order to find violations of ORS 244.120(2).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On 8/12/16, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of these matters. Ms. Smith indicated that she wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Dana Smith will pay a civil penalty, as authorized by ORS 244.350, in the amount of \$100.00 in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Dana Smith within the scope of the above-referenced proceedings.
- D. Dana Smith will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.


6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

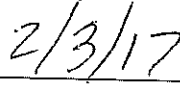
By signing this agreement, Dana Smith agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Dana Smith agrees to waive her right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.



Dana Smith



Date

Daniel T. Golden, Chairperson
Oregon Government Ethics Commission

Date

OREGON GOVERNMENT ETHICS COMMISSION
INVESTIGATION

CASE NO: 16-123XMS

DATE: March 2, 2017

RESPONDENT: CHEYNE, Brent, President of Klamath Irrigation District Board of Directors

COMPLAINANT: CARLETON, Greg; CACKA, David

RECOMMENDED ACTION: Make a Preliminary Finding of Four (4) Violations of ORS 192.660(2)

1 **SYNOPSIS:** Brent Cheyne served as President of the Klamath Irrigation District Board
2 of Directors and participated in executive sessions relevant to this investigation. The focus
3 of this investigation was to determine if there was a preponderance of evidence to indicate
4 that the topics discussed in relevant executive sessions by the Klamath Irrigation District
5 Board of Directors violated the executive session provisions of Oregon Public Meetings
6 law.

7
8 A review of information indicates that the Klamath Irrigation District Board of Directors
9 discussed topics not permitted by the executive session provisions of ORS 192.660 as
10 follows:

- 11
12 1) On 2/9/16, the Board held an executive session described as being held under
13 ORS 192.660(2)(d), "to discuss labor negotiations." During the executive
14 session, two district employees were placed on administrative leave;
15 2) On 2/29/16, the Board held an executive session described as being held

1 pursuant to ORS 192.660(2) "to discuss legal matters." During the executive
2 session, the Board discussed retaining two attorneys as specialized counsel to
3 represent the District in negotiations of a loan and repayment contract and the
4 Klamath Hydroelectric Settlement Agreement/Klamath Basin Restoration
5 Agreement (KHSA/KBRA), as well as ramifications if the contract was not
6 approved in the upcoming election;

7 3) On 3/10/16, the Board held an executive session described as being held
8 pursuant to ORS 192.660(2)(d) "to discuss legal matters." During the executive
9 session, the Board discussed developments in the KHSA/KBRA negotiations,
10 including a letter from attorney Nathan Rietmann to other parties to the KHSA;

11 4) On 4/19/16, the Board held an executive session described as being held
12 pursuant to ORS 192.660(2)(a) to conduct interviews of and discuss potential
13 candidates for the position of District Manager. These discussions included
14 discussion of who would make the job offer to the top candidate and the salary
15 range they wished to offer. During the executive session, Mr. Cheyne, the
16 President of the Board, stated that the executive session was being changed
17 to ORS 192.660(2)(a)(f). The Board then discussed how the hiring of attorney
18 Lawrence Kogan had taken place, namely the contract that was signed
19 between the Board and Mr. Kogan.

20
21 There is sufficient evidence to indicate that Brent Cheyne participated as a Board member
22 in four (4) executive sessions held in February, March and April of 2016 by the Klamath
23 Irrigation District Board of Directors and that in each of these executive sessions a topic
24 was discussed which was not authorized under ORS 192.660(2).

25
26 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
27 issues addressed herein:

28
29 **192.660 Executive sessions permitted on certain matters; procedures; news**
30 **media representatives' attendance; limits.**

1 (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body
2 from holding executive session during a regular, special or emergency meeting,
3 after the presiding officer has identified the authorization under ORS 192.610 to
4 192.690 for holding the executive session.

5 (2) The governing body of a public body may hold an executive session:

6 (a) To consider the employment of a public officer, employee, staff member
7 or individual agent...

8 (b) To consider the dismissal or disciplining of, or to hear complaints or
9 charges brought against, a public officer, employee, staff member or
10 individual agent who does not request an open hearing...

11 (d) To conduct deliberations with persons designated by the governing body
12 to carry on labor negotiations...

13 (f) To consider information or records that are exempt by law from public
14 inspection...

15 (h) To consult with counsel concerning the legal rights and duties of a public
16 body with regard to current litigation or litigation likely to be filed.

17 (i) To review and evaluate the employment-related performance of the chief
18 executive officer of any public body, a public officer, employee or staff
19 member who does not request an open hearing...

20 (3) Labor negotiations shall be conducted in open meetings unless negotiators for
21 both sides request that negotiations be conducted in executive session. Labor
22 negotiations conducted in executive session are not subject to the notification
23 requirements of ORS 192.640.

24 (4) Representatives of the news media shall be allowed to attend executive
25 sessions other than those held under subsection (2)(d) of this section relating to
26 labor negotiations or executive session held pursuant to ORS 332.061 (2) but the
27 governing body may require that specified information be undisclosed.

28 (5) When a governing body convenes an executive session under subsection
29 (2)(h) of this section relating to conferring with counsel on current litigation or
30 litigation likely to be filed, the governing body shall bar any member of the news
31 media from attending the executive session if the member of the news media is a

1 party to the litigation or is an employee, agent or contractor of a news media
2 organization that is a party to the litigation.

3 (6) No executive session may be held for the purpose of taking any final action or
4 making any final decision.

5 (7) The exception granted by subsection (2)(a) of this section does not apply to:

6 (a) The filling of a vacancy in an elective office.

7 (b) The filling of a vacancy on any public committee, commission or other
8 advisory group.

9 (c) The consideration of general employment policies.

10 (d) The employment of the chief executive officer, other public officers,
11 employees and staff members of a public body unless:

12 (A) The public body has advertised the vacancy;

13 (B) The public body has adopted regular hiring procedures;

14 (C) In the case of an officer, the public has had the opportunity to
15 comment on the employment of the officer; and

16 (D) In the case of a chief executive officer, the governing body has
17 adopted hiring standards, criteria and policy directives in meetings
18 open to the public in which the public has had the opportunity to
19 comment on the standards, criteria and policy directives.

20 (8) A governing body may not use an executive session for purposes of evaluating
21 a chief executive officer or other officer, employee or staff member to conduct a
22 general evaluation of an agency goal, objective or operation or any directive to
23 personnel concerning agency goals, objectives, operations or programs.

24
25 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated
26 a preliminary review based on a signed complaint from David Cacka and Greg Carleton,
27 members of the Board of Directors of the Klamath Irrigation District (KID), on 5/9/16. Mr.
28 Cacka and Mr. Carleton alleged that Brent Cheyne, Grant Knoll and Kenneth Smith, as
29 well as the two complainants, may have violated the executive session provisions of ORS
30 192.660 by participating in executive sessions in February, March and April of 2016 at
31 which topics not authorized for executive session were discussed or statutory

1 prerequisites were not met. #PR1. The Commission found cause to investigate on 7/1/16
2 after considering the information developed in the preliminary review. The investigation
3 focused on whether there is enough information to find by a preponderance of the
4 evidence that the five members of the KID Board of Directors violated the executive
5 session provisions of ORS 192.660 at meetings held on 2/9/16, 2/29/16, 3/10/16, and
6 4/19/16. The respondents and complainants have been notified of Commission Actions
7 in this matter. They have been invited to provide any information that would assist the
8 Commission in conducting this investigation.

9
10 After the Commission opened a preliminary review in this matter, three of the
11 respondents, Mr. Cheyne, Mr. Knoll and Mr. Smith responded to the complaint via a letter
12 from their attorney, Rebekah R. Jacobson. Ms. Jacobson also sent another letter during
13 the investigative phase, declining a settlement offer. Her letters will be provided to the
14 Commission in their entirety, but excerpts from both letters are included below after the
15 descriptions of the relevant meetings.

16
17 2/9/16 Executive Session: On 2/9/16, four members of the KID Board of Directors held
18 an executive session. Present at the executive session were Mr. Cheyne, Mr. Knoll, Mr.
19 Smith and Mr. Cacka. According to the minutes of the meeting, Mr. Cheyne, the Board
20 President, announced that the Board of Directors was going into executive session
21 "pursuant to ORS 192.660(2)(d) to discuss labor negotiations." #PR1. The audio
22 recording of the special meeting preceding the executive session is very difficult to
23 understand, with a great deal of background noise, so no additional information about the
24 announcement before the Board entered executive session could be discerned from a
25 review of the recording. #INV2.

26
27 Two staff members of KID were sent letters dated 2/8/16, which were enclosed with the
28 complaint, whose subject was "Notice of Opportunity for Hearing, Possible Dismissal at
29 KID Regular Board Meeting at 10:00am on Thursday, February 18, 2016 at Merrill Civic
30 Center." These letters mention an emergency executive session to consider placing the
31 staff members on non-disciplinary paid administrative leave, but do not provide notice of

1 the time or date of that emergency executive session, nor do they provide the staff
2 members with the opportunity to request an open hearing at that executive session.
3 #PR1. (Such notice would have been required had the Board been considering
4 complaints or charges against the staff members pursuant to ORS 192.660(2)(b).) The
5 letters also describe the reasons why the Board President was asking the Board to
6 dismiss the staff members at the 2/18/16 meeting: the staff members produced and/or
7 authorized payment of annual dues to the Klamath Water Users Association (KWUA),
8 which the Board had at one point voted to leave, although there was some back-and-forth
9 about what the final decision on dues had been. #PR1.

10
11 Upon opening the executive session on 2/9/16, the Board discussed the events that led
12 to the meeting, including the various votes by the Board regarding membership in KWUA.
13 Mr. Cheyne stated that he thought placing the staff members on administrative leave
14 would give everybody "a chance to get the cobwebs out of their mind." The Board briefly
15 discussed who would replace the District Manager while he was on administrative leave
16 and returned to open session. #PR1.

17
18 Ms. Jacobson's responses:

19
20 "There was no violation of ORS 192.660 during the February 9, 2016 Board
21 Meeting as evidenced by the February 8, 2016 notices to the two employees, the
22 posting for this special Board meeting and the minutes of the special board
23 meeting and executive session. The KID Board's general counsel, Bill Ganong,
24 attended every Board meeting referenced in this complaint. KID Board members
25 relied on Mr. Ganong to provide legal advice regarding the appropriateness of a
26 subject for an executive session discussion and which subsection to refer to in the
27 Board meeting posting and when announcing the executive session during the
28 open session. The Board was also receiving legal advice from attorney Nathan
29 Rietmann, who provided a letter of advice outlining the procedure for the February
30 9, 2016 Board Meeting...

1 In addition, the February 8, 2016 letters to [both employees] provided advance
2 notice of a hearing to consider the employees' termination from employment on
3 February 18, 2016. This notice stated that they had the opportunity to hold this
4 hearing in open session.

5
6 The discussion at the February 9, 2016 executive session held pursuant to ORS
7 192.660(2)(b) was whether to place the employees on non-disciplinary paid
8 administrative leave. Chair Cheyne was following the advice of attorney Nathan
9 Rietmann, who advised Chair Cheyne regarding the proper process to consider
10 whether to place employees on non-disciplinary paid administrative leave. Mr.
11 Rietmann did not advise Mr. Cheyne that an open hearing was necessary for this
12 non-disciplinary decision. However, as evidenced by the minutes, both
13 [employees] were provided an opportunity to address the Board regarding their
14 employment during the executive session. Both employees also responded to the
15 February 8, 2016 letter to note their preference for an open or closed hearing."
16 #PR2.

17
18 "While the February 8, 2016 memos sent to the two affected employees did not
19 explicitly state that they could request an open session for the February 9, 2016
20 [executive session], it did provide the employees advance notice of the executive
21 session, which both employees attended, as documented in the executive session
22 minutes. Also, the executive session minutes reflect a discussion about the reason
23 why the employees are being placed on administrative leave—dissatisfaction with
24 the handling of the payment to the Klamath Water Users Association (KWUA),
25 given the Board's prior discussions about withdrawing from KWUA. Therefore,
26 there was no discussion of topics outside of the reason for the executive session."
27 #INV1.

28
29 2/29/16 Executive Session: On 2/29/16, four member of the KID Board of Directors held
30 an executive session. Mr. Cheyne, Mr. Knoll, Mr. Smith and Mr. Carleton attended the
31 executive session. According to the minutes of the meeting, Mr. Cheyne announced that

1 the Board of Directors was going into executive session "pursuant to ORS 192.660(2) to
2 discuss legal matters." #PR1. The complaint explains that attorney William Ganong, who
3 was present at the meeting, had resigned as counsel for KID, but attended the meeting
4 because the Board had not yet retained new counsel. #PR1. On the audio recording, an
5 announcement is made that the Board is going into executive session pursuant to ORS
6 192.660(2). A member of the audience asked why the Board was going into executive
7 session, and someone, apparently Mr. Cheyne, said that it was "to talk about some legal
8 issues regarding the C-Flume." The audience then asked about the timing of an election
9 to approve a contract related to the C-Flume project. #INV2.

10
11 During the executive session, Mr. Cheyne explained that he wanted to get some second
12 opinions on legal matters involving the Bureau of Reclamation (Bureau) and the C-Flume,
13 and he "had an opportunity to visit with Larry Kogan, a D.C. attorney who does a lot of
14 this stuff." He reported on his conversation with Mr. Kogan, including that Mr. Kogan had
15 previously successfully argued that damage was caused to a similar flume by a railroad,
16 and stated that he believed that KID needed a "heavy hitter lined up" for meetings with
17 the Bureau. In a recent meeting with the Bureau he felt the Bureau was very pushy. He
18 then explained that they needed to get a new attorney on board quickly, in time for Mr.
19 Ganong to get the new attorney up to speed. #PR1.

20
21 The Board went on to discuss the ramifications if the proposed contract for the C-Flume
22 project failed to be approved in the upcoming election, including the possibility of the need
23 to cut flows past the point that would keep everyone whole, an upcoming inspection and
24 evaluation, and possible changes to prices. Mr. Cheyne expressed the need for
25 specialized help on these matters as well as for options for alternate funding for a pipeline
26 if the district voted down the proposed contract, such as KID selling bonds. #PR1.

27
28 Mr. Knoll described the Klamath Hydroelectric Settlement Agreement (KHSA) meetings
29 he had been attending regarding potential removal of the dam. He expressed the need to
30 have legal representation at the meetings. Mr. Ganong "cautioned that the board needs
31 to be careful because the executive session exception is for pending or threatened

1 litigation. He said I think that you can make a pretty good argument that if the election
2 fails or whatever, there could be some threat of pending litigation at this point in time. But
3 now you are headed off that subject quite a ways so you've got to be careful that you
4 don't violate the public meetings laws." #PR1. The Board members then continued to
5 discuss the need for a legal advisor to be present at the meetings Mr. Knoll was attending.
6 Mr. Knoll was concerned about a confidentiality agreement that he was asked to sign at
7 the last meeting. He suggested that they engage an attorney and cut him loose later.
8 #PR1.

9
10 Mr. Cheyne expressed concerns about rate payers paying for demolition of the dam. After
11 a brief discussion of costs being passed on to rate payers, Mr. Ganong again warned the
12 Board members that "none of this discussion is under the executive session, just be
13 careful, that's all I'm saying." #PR1. The Board members discussed retaining attorney
14 Nathan Rietmann, out of Salem, to attend meetings with Mr. Knoll, beginning the next
15 day. Mr. Carleton stated his concerns that he was just now hearing about this idea and
16 had to make a decision immediately, because he had not received the explanatory emails.
17 Mr. Cheyne suggested that they return to regular session and vote on two matters: one
18 concerning specialized help from Mr. Kogan, and one concerning reinforcement for Mr.
19 Knoll as he attended the meetings. #PR1.

20
21 During the regular meeting following the executive session, the Board voted to engage
22 Lawrence Kogan to oversee the C-Flume contract issues, and to retain Nathan Rietmann
23 to attend the KHSA meeting the next day. #PR1.

24
25 Ms. Jacobson's responses:

26
27 "Mr. Ganong was still acting as legal counsel for KID until his resignation in March
28 2016. Mr. Cheyne relied upon Mr. Ganong to provide the proper legal citation for
29 the executive session. It also appears Mr. Ganong reviewed Board minutes as a
30 matter of course to ensure the proper subsection to go into executive session was
31 cited...

1
2 Mr. Cheyne indicated that the Board was going into executive session to discuss
3 legal matters. As is clear from the discussion transcribed in the executive session
4 minutes, the Board was discussing pending or threatened litigation involving KID.
5 The Board also discussed the advice of counsels Nathan Rietmann and Lawrence
6 Kogan. These topics are all permissible pursuant to ORS 192.660(2)(f) and ORS
7 192.660(2)(h). It appears from the minutes that Mr. Cheyne did not note which
8 subsections the Board was utilizing to enter executive session and the legal
9 counsel present, Mr. Ganong, did not correct this error during the meeting. Mr.
10 Cheyne substantially complied with the law by posting the executive session
11 correctly and providing the public information regarding the topic of the executive
12 session during open session prior to adjourning to executive session." #PR2.
13

14 "All topics discussed during the February 29, 2016 executive session related to
15 information that was subject to the attorney-client privilege, and therefore, the
16 Board was properly in executive session pursuant to ORS 192.660(2)(f) and (2)(h).
17 Mr. Kogan's February 28, 2016 engagement letter (attached to the initial
18 complaint) addressed the subject matter discussed in the executive session,
19 including current or potential litigation. The requirement stated in OAR 199-040-
20 0050 that the lawyer who is providing the advice related to current or potential
21 litigation be present in-person or telephonically was not adopted until June 1, 2016,
22 after this executive session took place and cannot serve as a basis for discipline."
23 #INV1.
24

25 3/10/16 Executive Session: On 3/10/16, four members of the KID Board of Directors held
26 an executive session. Mr. Cheyne, Mr. Knoll, Mr. Smith and Mr. Cacka attended the
27 executive session. According to the minutes of the meeting, Board President Mr. Cheyne
28 announced that the Board was going into executive session "pursuant to ORS
29 192.660(2)(d) to discuss legal matters." #PR1. A review of the audio indicates that Mr.
30 Cheyne said, "At this point we've got a legal issue to discuss, so pursuant to ORS
31 192.660(2), I am calling this body into executive session." In the background, someone

1 states that Mr. Cheyne needed to specify the specific subsection and that person read
2 the words of ORS 192.660(2)(h). #INV2.

3
4 Once the executive session was opened, Mr. Cheyne turned the meeting over to Mr.
5 Knoll, who had been attending meetings of the KHSA, to explain what had been
6 happening at the meetings. The Board members also had copies of a letter from Mr.
7 Rietmann, the attorney who was attending the KHSA meetings with Mr. Knoll, to all parties
8 in the KHSA, requesting additional time to review and understand amendments made by
9 primary parties to the KHSA and requesting that all proceedings relating to the
10 amendments be open, transparent and inclusive. #PR1, #INV1. Mr. Knoll explained that
11 Mr. Rietmann, in his letter, was saying that he would like to slow things down because
12 amendments were being added to the KHSA and he was not up to speed. Mr. Knoll
13 expressed that he would like to stay involved and oppose dam removal, to minimize the
14 risk to KID. #PR1.

15
16 Mr. Ganong informed the Board that they were in executive session under the wrong
17 statute. According to the minutes, he said, "This isn't really talking about litigation. This is
18 talking about records that are exempt by law from public disclosure. That's what's referred
19 to as confidential." Mr. Knoll then said, "There is a potential for litigation; we don't know
20 where it's going." #PR1.

21
22 The Board discussed its desire to stay involved in the KHSA process and returned to
23 regular session to make a decision on the matter. #PR1.

24
25 Ms. Jacobson's responses:

26
27 "There is no requirement in ORS 192.660 that the Board announce the specific
28 litigation to be discussed when announcing the subsection allowing the executive
29 session to occur. It is clear that legal advice of Mr. Rietmann related to the Klamath
30 Hydroelectric Settlement Agreement (relating to potential litigation) was discussed
31 at the meeting. KID's legal counsel, Bill Ganong, was present at the meeting and

1 voiced his opinion that ORS 192.660(2)(f) should have been utilized as the
2 appropriate subsection for the meeting, rather than ORS 192.660(2)(h). The topics
3 discussed in this executive session all relate to potential litigation, and Mr. Ganong
4 is correct, the discussion could also have taken place pursuant to ORS
5 192.660(2)(f), as the Board was discussing the advice of counsel. Mr. Cheyne
6 complied with the law by posting the executive session appropriately and providing
7 the public information regarding the topic of the executive session prior to
8 adjourning to executive session. Mr. Cheyne, Mr. Knoll, and Mr. Smith believe the
9 topics discussed related to potential litigation and it was proper to discuss these
10 subjects in executive session.” #PR2.

11
12 “Similarly, the Board discussed the advice of attorney Nathan Rietmann at the
13 March 10, 2016 [executive session]. His March 8, 2016 letter, referenced in the
14 meeting, is attached to this letter.” #INV1.

15
16 4/19/16 Executive Session: On 4/19/16, the five members of the KID Board of Directors
17 met in executive session. #PR1. The posted notice for the special meeting stated that the
18 Board would be meeting to consider the approval of the contract for interim management
19 services, interview candidates for District Manager’s position, and “pursuant to ORS
20 192.660 (f) to consider information or records that are exempt by law from public
21 inspection.” The notice then stated, “In accordance with ORS 192.660(2) (a) (f) an
22 Executive Session is permitted.” #PR2.

23
24 The minutes of the executive session state that Board President Mr. Cheyne called the
25 meeting to order “to interview candidates for the District Manager under ORS
26 192.660(2)(a).” #PR1. A review of the audio recording of the public meeting preceding
27 the executive session indicates that Mr. Cheyne opened the public meeting by reading
28 the announcement described above nearly word-for-word. The Board chatted about
29 timeline for a new district manager for approximately 15 minutes until the first interview
30 began. There was no separate announcement made to differentiate the public meeting
31 from the executive session. #INV2.

1
2 The Board interviewed three candidates, then took a break and returned to the executive
3 session. According to the minutes, they announced the same provision, ORS
4 192.660(2)(a), to conduct one final interview. #PR1. Following the interviews, the Board
5 discussed the qualifications of the candidates, made a choice of the first and second
6 candidates based on tallying rankings, and discussed salary range. Members of the
7 Board then expressed their thoughts on whether the current staffing level was sufficient
8 for the needs of KID. #PR1.

9
10 Mr. Cheyne then announced that the Board would be changing the executive session to
11 ORS 192.660(2)(a)(f). Mr. Cacka asked several questions about the contract with
12 attorney Lawrence Kogan. He asked whether there was public review of the contract; Mr.
13 Carleton said no. He asked whether the contract with Lawrence Kogan had been voted
14 on; Mr. Carleton said no. He asked if it had been signed; Mr. Cheyne said yes. #PR1.

15
16 Mr. Cacka then asked when Mr. Kogan was retained to represent KID in the KHSA
17 process, since he understood that Mr. Kogan was hired to assist in negotiations of the C-
18 Flume. Mr. Kogan said that both were brought up at the same time, which is why they are
19 both in the engagement agreement, and he was available for the KHSA meetings at a
20 time when Mr. Rietmann was not. The Board discussed whether the document signed by
21 Mr. Kogan and Mr. Cheyne concerning Mr. Kogan's services was a contract or an
22 agreement for provision of services, with some disagreement on whether it should be
23 available for public review. #PR1.

24
25 The Board then discussed a privacy and confidentiality policy that had been circulated via
26 email by Mr. Kogan. Mr. Kogan stated that he believed the policy was necessary because
27 the Bureau of Reclamation had sought meetings with KID management, staff and Board
28 members, and he was invoking attorney-client privilege against the government agency.
29 It was a temporary measure until the Board decided what the policy should be. The Board
30 went on to discuss a letter sent by Mr. Kogan regarding the KHSA and a letter sent by
31 Mr. Kogan barring two individuals from speaking with KID Board members and

1 management. #PR1.

2
3 Mr. Cacka expressed his concern that the Board agreed to hire Mr. Kogan to oversee the
4 C-Flume contract, but that the letter of engagement was much broader than that, and that
5 the Board never discussed or voted on that scope. He asked whether Mr. Rietmann was
6 general counsel; Mr. Cheyne said that is how he understands it. There was discussion of
7 when and how this decision was made, followed by discussion of whether messages left
8 for Mr. Cheyne were being ignored. #PR1.

9
10 Ms. Jacobson's responses:

11
12 "While it does not appear from the minutes that Chair Cheyne announced both
13 subsections when entering into the executive session, the public was certainly
14 informed of the purpose of the executive session and that it would be held pursuant
15 to both subsections pursuant to the meeting posting. The minutes demonstrate
16 that Chair Cheyne then announced the transition to the portion of the meeting held
17 pursuant to ORS 192.660(2)(f); there were no members of the public in attendance
18 at any point during the meeting." #PR2.

19
20 "The minutes of the executive session reflect that the April 19, 2016 meeting was
21 held to interview candidates and to discuss the legal advice of Mr. Kogan, who was
22 present. There is an explicit reference to legal advice provided in an email from
23 Kogan to the Board on March 24th as well as Kogan's engagement letter, in the
24 executive session minutes which was the topic of the executive session. The Board
25 did not discuss any topics outside of these two topics authorized by ORS
26 192.660(2)(a) and (f), with the exception of the discussion on compensation."
27 #INV1.

28
29
30 **CONCLUSIONS:** Brent Cheyne was President of the Board of Directors for the Klamath
31 Irrigation District (KID) during the period relevant to this preliminary review. Under the

1 definitions in ORS 192.610, KID is a public body, and the Board of Directors is its
2 governing body. As a Board member, Mr. Cheyne is required to comply with the executive
3 session provisions of Oregon public meetings law pursuant to ORS 192.660.

4
5 An executive session is a meeting or a part of a meeting of a governing body that is closed
6 to certain persons for deliberation on certain matters. ORS 192.610(2). ORS 192.660
7 allows a governing body to hold an executive session to discuss specific topics once
8 certain conditions and prerequisites are met. Per ORS 192.660(1), the governing body of
9 a public body may hold an executive session during a regular, special or emergency
10 meeting, "after the presiding officer has identified the authorization under ORS 192.610
11 to 192.690 for holding the executive session."

12
13 During the meeting on 2/9/16, the Board announced that they were going into executive
14 session under ORS 192.660(2)(d), which permits a governing body to hold an executive
15 session "to conduct deliberations with persons designated by the governing body to carry
16 on labor negotiations." Rather than conducting labor negotiations, the Board discussed
17 personnel issues and their concerns about specific employees, which is not a topic
18 permitted by ORS 192.660(2)(d). Even if the Board had more accurately entered
19 executive session under ORS 192.660(2)(b), "to consider the dismissal or disciplining of,
20 or to hear complaints or charges brought against, a public officer, employee, staff member
21 or individual agent who does not request an open hearing," the Board did not meet the
22 prerequisite for holding an executive session under that subsection, because the
23 employees were not given an opportunity to request an open hearing instead of the
24 executive session.

25
26 At the second executive session, on 2/29/16, the Board announced that they were going
27 into executive session under ORS 192.660(2). The announcement stated that this was
28 "to discuss legal matters." ORS 192.660(2)(h) permits a governing body to hold an
29 executive session "to consult with counsel regarding the legal rights and duties of a public
30 body with regard to current litigation or litigation likely to be filed." The governing body did
31 not limit their discussion to consulting with counsel regarding current litigation or litigation

1 likely to be filed, as their attorney twice cautioned them during the meeting. The litigation
2 they believed they were discussing appears to have been the possibility of litigation if a
3 vote and other methods of fundraising did not pan out, not litigation with any level of
4 imminence. Several other topics not permitted under ORS 192.660(2)(h) were discussed
5 during the meeting, such as: a previous consultation that Mr. Cheyne had with an outside
6 attorney, the water flows needed to keep everyone whole, various methods for funding a
7 pipeline, the negotiations at the KHSA meetings, whether Mr. Knoll should sign a
8 confidentiality agreement concerning KHSA negotiations, whether to have legal
9 representation at the KHSA meetings, and the effect of damn removal on PacifiCorp
10 rates. #PR1.

11
12 During the meeting on 3/10/16, the Board announced that they were going into executive
13 session "pursuant to ORS 192.660(2)(d) to discuss legal matters." ORS 192.660(2)(d)
14 relates to labor negotiations. There is no provision of ORS 192.660(2) that permits
15 general discussion of "legal matters." ORS 192.660(2)(h) permits a governing body to
16 hold an executive session "to consult with legal counsel regarding the legal rights and
17 duties of a public body with regard to current litigation or litigation likely to be filed." At this
18 executive session, rather than consulting with counsel regarding current litigation or
19 litigation likely to be filed, the Board members discussed with one another slowing down
20 and staying involved in the KHSA process to minimize the risk to KID, and a letter from
21 an attorney that was not addressed to the Board but to KHSA parties. The KID attorney,
22 Mr. Ganong, cautioned the Board that the discussion was not about litigation but about
23 records exempt from public inspection, which was not the subsection under which the
24 Board had entered the executive session. Even if the Board had entered executive
25 session under the proper subsection, it is not clear that this document was actually a
26 record that would be exempt from public inspection, because it was not a letter written to
27 the Board by their attorney, but a letter written to other parties to the KHSA.

28
29 At the final executive session, on 4/19/16, the Board announced that they were going into
30 executive session "to interview candidates for the District Manager under ORS
31 192.660(2)(a)." Without breaking executive session, they later changed the executive

1 session to ORS 192.660(2)(a)(f), without describing what was meant by this, although the
2 posted notice included the phrase "to consider information or records that are exempt by
3 law from public inspection." #PR2. During this executive session, the Board discussed
4 various topics not permitted by ORS 192.660(2)(a) or (f), including: salary for the District
5 Manager, satisfaction with current staff, the scope of the contract with Mr. Kogan and why
6 it was not available for public review, the decision-making process regarding retaining Mr.
7 Kogan and Mr. Rietmann, and an apparent temporary privacy and confidentiality policy
8 that had been emailed to members of the Board. #PR1.

9
10 It appears by a preponderance of the evidence that Brent Cheyne violated the executive
11 session provisions of ORS 192.660 when he participated in executive sessions on 2/9/16,
12 2/29/16, 3/10/16 and 4/19/16.

13
14 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should make a
15 preliminary finding that Klamath Irrigation District Board President Brent Cheyne violated
16 the executive session provisions of ORS 192.660 when he participated as a member of
17 a governing body in executive sessions on 2/9/16, 2/29/16, 3/10/16, and 4/19/16 at which
18 topics not authorized for executive session were discussed and/or the prerequisites for
19 holding an executive session were not met.

20
21
22

1 **ASSOCIATED DOCUMENTS:**

2 #PR1 Complaint signed by David Cacka and Greg Carleton and other material,
3 received 05/09/16.


4 #PR2 Response from Rebekah Jacobson, representing Brent Cheyne, Grant
5 Knoll and Kenneth Smith, received in OGEC office on 05/31/16.

6 #INV1 Letter from Rebekah Jacobson on behalf of Brent Cheyne, Grant Knoll and
7 Kenneth Smith, receive in OGEC office on 11/16/16.

8 #INV2 Flash drive containing audio recordings of 2/9/16, 2/29/16, 3/10/16 and
9 4/19/16 public meetings and executive sessions.

10
11

PREPARED BY

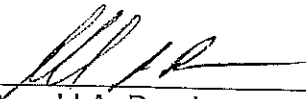


Marie Schreffers
Investigator

3/2/17

Date

APPROVED BY

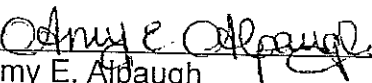


Ronald A. Bersin
Executive Director

3/2/17

Date

REVIEWED BY



Amy E. Alpaugh
Assistant Attorney General

3/2/17

Date

OREGON GOVERNMENT ETHICS COMMISSION
INVESTIGATION

CASE NO: 16-124XMS

DATE: 06/07/16

RESPONDENT: KNOLL, Grant, Member of Klamath Irrigation District Board of Directors

COMPLAINANT: CARLETON, Greg; CACKA, David

RECOMMENDED ACTION: Make a Preliminary Finding of Four (4) Violations of ORS 192.660(2)

1 **SYNOPSIS:** Grant Knoll served as a member of the Klamath Irrigation District Board of
2 Directors and participated in executive sessions relevant to this investigation. The focus
3 of this investigation was to determine if there was a preponderance of evidence to indicate
4 that the topics discussed in relevant executive sessions by the Klamath Irrigation District
5 Board of Directors violated the executive session provisions of Oregon Public Meetings
6 law.

7
8 A review of information indicates that the Klamath Irrigation District Board of Directors
9 discussed topics not permitted by the executive session provisions of ORS 192.660 as
10 follows:

- 11
- 12 1) On 2/9/16, the Board held an executive session described as being held under
13 ORS 192.660(2)(d), "to discuss labor negotiations." During the executive
14 session, two district employees were placed on administrative leave;
 - 15 2) On 2/29/16, the Board held an executive session described as being held

1 pursuant to ORS 192.660(2) "to discuss legal matters." During the executive
2 session, the Board discussed retaining two attorneys as specialized counsel to
3 represent the District in negotiations of a loan and repayment contract and the
4 Klamath Hydroelectric Settlement Agreement/Klamath Basin Restoration
5 Agreement (KHSА/KBRA), as well as ramifications if the contract was not
6 approved in the upcoming election;

7 3) On 3/10/16, the Board held an executive session described as being held
8 pursuant to ORS 192.660(2)(d) "to discuss legal matters." During the executive
9 session, the Board discussed developments in the KHSА/KBRA negotiations,
10 including a letter from attorney Nathan Rietmann to other parties to the KHSА;

11 4) On 4/19/16, the Board held an executive session described as being held
12 pursuant to ORS 192.660(2)(a) to conduct interviews of and discuss potential
13 candidates for the position of District Manager. These discussions included
14 discussion of who would make the job offer to the top candidate and the salary
15 range they wished to offer. During the executive session, Mr. Cheyne, the
16 President of the Board, stated that the executive session was being changed
17 to ORS 192.660(2)(a)(f). The Board then discussed how the hiring of attorney
18 Lawrence Kogan had taken place, namely the contract that was signed
19 between the Board and Mr. Kogan.

20
21 There is sufficient evidence to indicate that Brent Cheyne participated as a Board member
22 in four (4) executive sessions held in February, March and April of 2016 by the Klamath
23 Irrigation District Board of Directors and that in each of these executive sessions a topic
24 was discussed which was not authorized under ORS 192.660(2).

25
26 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
27 issues addressed herein:

28
29 **192.660 Executive sessions permitted on certain matters; procedures; news**
30 **media representatives' attendance; limits.**

1 (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body
2 from holding executive session during a regular, special or emergency meeting,
3 after the presiding officer has identified the authorization under ORS 192.610 to
4 192.690 for holding the executive session.

5 (2) The governing body of a public body may hold an executive session:

6 (a) To consider the employment of a public officer, employee, staff member
7 or individual agent...

8 (b) To consider the dismissal or disciplining of, or to hear complaints or
9 charges brought against, a public officer, employee, staff member or
10 individual agent who does not request an open hearing...

11 (d) To conduct deliberations with persons designated by the governing body
12 to carry on labor negotiations...

13 (f) To consider information or records that are exempt by law from public
14 inspection...

15 (h) To consult with counsel concerning the legal rights and duties of a public
16 body with regard to current litigation or litigation likely to be filed.

17 (i) To review and evaluate the employment-related performance of the chief
18 executive officer of any public body, a public officer, employee or staff
19 member who does not request an open hearing...

20 (3) Labor negotiations shall be conducted in open meetings unless negotiators for
21 both sides request that negotiations be conducted in executive session. Labor
22 negotiations conducted in executive session are not subject to the notification
23 requirements of ORS 192.640.

24 (4) Representatives of the news media shall be allowed to attend executive
25 sessions other than those held under subsection (2)(d) of this section relating to
26 labor negotiations or executive session held pursuant to ORS 332.061 (2) but the
27 governing body may require that specified information be undisclosed.

28 (5) When a governing body convenes an executive session under subsection
29 (2)(h) of this section relating to conferring with counsel on current litigation or
30 litigation likely to be filed, the governing body shall bar any member of the news
31 media from attending the executive session if the member of the news media is a

1 party to the litigation or is an employee, agent or contractor of a news media
2 organization that is a party to the litigation.

3 (6) No executive session may be held for the purpose of taking any final action or
4 making any final decision.

5 (7) The exception granted by subsection (2)(a) of this section does not apply to:

6 (a) The filling of a vacancy in an elective office.

7 (b) The filling of a vacancy on any public committee, commission or other
8 advisory group.

9 (c) The consideration of general employment policies.

10 (d) The employment of the chief executive officer, other public officers,
11 employees and staff members of a public body unless:

12 (A) The public body has advertised the vacancy;

13 (B) The public body has adopted regular hiring procedures;

14 (C) In the case of an officer, the public has had the opportunity to
15 comment on the employment of the officer; and

16 (D) In the case of a chief executive officer, the governing body has
17 adopted hiring standards, criteria and policy directives in meetings
18 open to the public in which the public has had the opportunity to
19 comment on the standards, criteria and policy directives.

20 (8) A governing body may not use an executive session for purposes of evaluating
21 a chief executive officer or other officer, employee or staff member to conduct a
22 general evaluation of an agency goal, objective or operation or any directive to
23 personnel concerning agency goals, objectives, operations or programs.

24
25 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated
26 a preliminary review based on a signed complaint from David Cacka and Greg Carleton,
27 members of the Board of Directors of the Klamath Irrigation District (KID), on 5/9/16. Mr.
28 Cacka and Mr. Carleton alleged that Brent Cheyne, Grant Knoll and Kenneth Smith, as
29 well as the two complainants, may have violated the executive session provisions of ORS
30 192.660 by participating in executive sessions in February, March and April of 2016 at
31 which topics not authorized for executive session were discussed or statutory

1 prerequisites were not met. #PR1. The Commission found cause to investigate on 7/1/16
2 after considering the information developed in the preliminary review. The investigation
3 focused on whether there is enough information to find by a preponderance of the
4 evidence that the five members of the KID Board of Directors violated the executive
5 session provisions of ORS 192.660 at meetings held on 2/9/16, 2/29/16, 3/10/16, and
6 4/19/16. The respondents and complainants have been notified of Commission Actions
7 in this matter. They have been invited to provide any information that would assist the
8 Commission in conducting this investigation.

9
10 After the Commission opened a preliminary review in this matter, three of the
11 respondents, Mr. Cheyne, Mr. Knoll and Mr. Smith responded to the complaint via a letter
12 from their attorney, Rebekah R. Jacobson. Ms. Jacobson also sent another letter during
13 the investigative phase, declining a settlement offer. Her letters will be provided to the
14 Commission in their entirety, but excerpts from both letters are included below after the
15 descriptions of the relevant meetings.

16
17 2/9/16 Executive Session: On 2/9/16, four members of the KID Board of Directors held
18 an executive session. Present at the executive session were Mr. Cheyne, Mr. Knoll, Mr.
19 Smith and Mr. Cacka. According to the minutes of the meeting, Mr. Cheyne, the Board
20 President, announced that the Board of Directors was going into executive session
21 "pursuant to ORS 192.660(2)(d) to discuss labor negotiations." #PR1. The audio
22 recording of the special meeting preceding the executive session is very difficult to
23 understand, with a great deal of background noise, so no additional information about the
24 announcement before the Board entered executive session could be discerned from a
25 review of the recording. #INV2.

26
27 Two staff members of KID were sent letters dated 2/8/16, which were enclosed with the
28 complaint, whose subject was "Notice of Opportunity for Hearing, Possible Dismissal at
29 KID Regular Board Meeting at 10:00am on Thursday, February 18, 2016 at Merrill Civic
30 Center." These letters mention an emergency executive session to consider placing the
31 staff members on non-disciplinary paid administrative leave, but do not provide notice of

1 the time or date of that emergency executive session, nor do they provide the staff
2 members with the opportunity to request an open hearing at that executive session.
3 #PR1. (Such notice would have been required had the Board been considering
4 complaints or charges against the staff members pursuant to ORS 192.660(2)(b).) The
5 letters also describe the reasons why the Board President was asking the Board to
6 dismiss the staff members at the 2/18/16 meeting: the staff members produced and/or
7 authorized payment of annual dues to the Klamath Water Users Association (KWUA),
8 which the Board had at one point voted to leave, although there was some back-and-forth
9 about what the final decision on dues had been. #PR1.

10
11 Upon opening the executive session on 2/9/16, the Board discussed the events that led
12 to the meeting, including the various votes by the Board regarding membership in KWUA.
13 Mr. Cheyne stated that he thought placing the staff members on administrative leave
14 would give everybody "a chance to get the cobwebs out of their mind." The Board briefly
15 discussed who would replace the District Manager while he was on administrative leave
16 and returned to open session. #PR1.

17
18 Ms. Jacobson's responses:

19
20 "There was no violation of ORS 192.660 during the February 9, 2016 Board
21 Meeting as evidenced by the February 8, 2016 notices to the two employees, the
22 posting for this special Board meeting and the minutes of the special board
23 meeting and executive session. The KID Board's general counsel, Bill Ganong,
24 attended every Board meeting referenced in this complaint. KID Board members
25 relied on Mr. Ganong to provide legal advice regarding the appropriateness of a
26 subject for an executive session discussion and which subsection to refer to in the
27 Board meeting posting and when announcing the executive session during the
28 open session. The Board was also receiving legal advice from attorney Nathan
29 Rietmann, who provided a letter of advice outlining the procedure for the February
30 9, 2016 Board Meeting...

1 In addition, the February 8, 2016 letters to [both employees] provided advance
2 notice of a hearing to consider the employees' termination from employment on
3 February 18, 2016. This notice stated that they had the opportunity to hold this
4 hearing in open session.

5
6 The discussion at the February 9, 2016 executive session held pursuant to ORS
7 192.660(2)(b) was whether to place the employees on non-disciplinary paid
8 administrative leave. Chair Cheyne was following the advice of attorney Nathan
9 Rietmann, who advised Chair Cheyne regarding the proper process to consider
10 whether to place employees on non-disciplinary paid administrative leave. Mr.
11 Rietmann did not advise Mr. Cheyne that an open hearing was necessary for this
12 non-disciplinary decision. However, as evidenced by the minutes, both
13 [employees] were provided an opportunity to address the Board regarding their
14 employment during the executive session. Both employees also responded to the
15 February 8, 2016 letter to note their preference for an open or closed hearing."
16 #PR2.

17
18 "While the February 8, 2016 memos sent to the two affected employees did not
19 explicitly state that they could request an open session for the February 9, 2016
20 [executive session], it did provide the employees advance notice of the executive
21 session, which both employees attended, as documented in the executive session
22 minutes. Also, the executive session minutes reflect a discussion about the reason
23 why the employees are being placed on administrative leave—dissatisfaction with
24 the handling of the payment to the Klamath Water Users Association (KWUA),
25 given the Board's prior discussions about withdrawing from KWUA. Therefore,
26 there was no discussion of topics outside of the reason for the executive session."
27 #INV1.

28
29 2/29/16 Executive Session: On 2/29/16, four member of the KID Board of Directors held
30 an executive session. Mr. Cheyne, Mr. Knoll, Mr. Smith and Mr. Carleton attended the
31 executive session. According to the minutes of the meeting, Mr. Cheyne announced that

1 the Board of Directors was going into executive session "pursuant to ORS 192.660(2) to
2 discuss legal matters." #PR1. The complaint explains that attorney William Ganong, who
3 was present at the meeting, had resigned as counsel for KID, but attended the meeting
4 because the Board had not yet retained new counsel. #PR1. On the audio recording, an
5 announcement is made that the Board is going into executive session pursuant to ORS
6 192.660(2). A member of the audience asked why the Board was going into executive
7 session, and someone, apparently Mr. Cheyne, said that it was "to talk about some legal
8 issues regarding the C-Flume." The audience then asked about the timing of an election
9 to approve a contract related to the C-Flume project. #INV2.

10
11 During the executive session, Mr. Cheyne explained that he wanted to get some second
12 opinions on legal matters involving the Bureau of Reclamation (Bureau) and the C-Flume,
13 and he "had an opportunity to visit with Larry Kogan, a D.C. attorney who does a lot of
14 this stuff." He reported on his conversation with Mr. Kogan, including that Mr. Kogan had
15 previously successfully argued that damage was caused to a similar flume by a railroad,
16 and stated that he believed that KID needed a "heavy hitter lined up" for meetings with
17 the Bureau. In a recent meeting with the Bureau he felt the Bureau was very pushy. He
18 then explained that they needed to get a new attorney on board quickly, in time for Mr.
19 Ganong to get the new attorney up to speed. #PR1.

20
21 The Board went on to discuss the ramifications if the proposed contract for the C-Flume
22 project failed to be approved in the upcoming election, including the possibility of the need
23 to cut flows past the point that would keep everyone whole, an upcoming inspection and
24 evaluation, and possible changes to prices. Mr. Cheyne expressed the need for
25 specialized help on these matters as well as for options for alternate funding for a pipeline
26 if the district voted down the proposed contract, such as KID selling bonds. #PR1.

27
28 Mr. Knoll described the Klamath Hydroelectric Settlement Agreement (KHSAs) meetings
29 he had been attending regarding potential removal of the dam. He expressed the need to
30 have legal representation at the meetings. Mr. Ganong "cautioned that the board needs
31 to be careful because the executive session exception is for pending or threatened

1 litigation. He said I think that you can make a pretty good argument that if the election
2 fails or whatever, there could be some threat of pending litigation at this point in time. But
3 now you are headed off that subject quite a ways so you've got to be careful that you
4 don't violate the public meetings laws." #PR1. The Board members then continued to
5 discuss the need for a legal advisor to be present at the meetings Mr. Knoll was attending.
6 Mr. Knoll was concerned about a confidentiality agreement that he was asked to sign at
7 the last meeting. He suggested that they engage an attorney and cut him loose later.
8 #PR1.

9
10 Mr. Cheyne expressed concerns about rate payers paying for demolition of the dam. After
11 a brief discussion of costs being passed on to rate payers, Mr. Ganong again warned the
12 Board members that "none of this discussion is under the executive session, just be
13 careful, that's all I'm saying." #PR1. The Board members discussed retaining attorney
14 Nathan Rietmann, out of Salem, to attend meetings with Mr. Knoll, beginning the next
15 day. Mr. Carleton stated his concerns that he was just now hearing about this idea and
16 had to make a decision immediately, because he had not received the explanatory emails.
17 Mr. Cheyne suggested that they return to regular session and vote on two matters: one
18 concerning specialized help from Mr. Kogan, and one concerning reinforcement for Mr.
19 Knoll as he attended the meetings. #PR1.

20
21 During the regular meeting following the executive session, the Board voted to engage
22 Lawrence Kogan to oversee the C-Flume contract issues, and to retain Nathan Rietmann
23 to attend the KHSA meeting the next day. #PR1.

24
25 Ms. Jacobson's responses:

26
27 "Mr. Ganong was still acting as legal counsel for KID until his resignation in March
28 2016. Mr. Cheyne relied upon Mr. Ganong to provide the proper legal citation for
29 the executive session. It also appears Mr. Ganong reviewed Board minutes as a
30 matter of course to ensure the proper subsection to go into executive session was
31 cited...

1
2 Mr. Cheyne indicated that the Board was going into executive session to discuss
3 legal matters. As is clear from the discussion transcribed in the executive session
4 minutes, the Board was discussing pending or threatened litigation involving KID.
5 The Board also discussed the advice of counsels Nathan Rietmann and Lawrence
6 Kogan. These topics are all permissible pursuant to ORS 192.660(2)(f) and ORS
7 192.660(2)(h). It appears from the minutes that Mr. Cheyne did not note which
8 subsections the Board was utilizing to enter executive session and the legal
9 counsel present, Mr. Ganong, did not correct this error during the meeting. Mr.
10 Cheyne substantially complied with the law by posting the executive session
11 correctly and providing the public information regarding the topic of the executive
12 session during open session prior to adjourning to executive session." #PR2.

13
14 "All topics discussed during the February 29, 2016 executive session related to
15 information that was subject to the attorney-client privilege, and therefore, the
16 Board was properly in executive session pursuant to ORS 192.660(2)(f) and (2)(h).
17 Mr. Kogan's February 28, 2016 engagement letter (attached to the initial
18 complaint) addressed the subject matter discussed in the executive session,
19 including current or potential litigation. The requirement stated in OAR 199-040-
20 0050 that the lawyer who is providing the advice related to current or potential
21 litigation be present in-person or telephonically was not adopted until June 1, 2016,
22 after this executive session took place and cannot serve as a basis for discipline."
23 #INV1.

24
25 3/10/16 Executive Session: On 3/10/16, four members of the KID Board of Directors held
26 an executive session. Mr. Cheyne, Mr. Knoll, Mr. Smith and Mr. Cacka attended the
27 executive session. According to the minutes of the meeting, Board President Mr. Cheyne
28 announced that the Board was going into executive session "pursuant to ORS
29 192.660(2)(d) to discuss legal matters." #PR1. A review of the audio indicates that Mr.
30 Cheyne said, "At this point we've got a legal issue to discuss, so pursuant to ORS
31 192.660(2), I am calling this body into executive session." In the background, someone

1 states that Mr. Cheyne needed to specify the specific subsection and that person read
2 the words of ORS 192.660(2)(h). #INV2.

3
4 Once the executive session was opened, Mr. Cheyne turned the meeting over to Mr.
5 Knoll, who had been attending meetings of the KHSA, to explain what had been
6 happening at the meetings. The Board members also had copies of a letter from Mr.
7 Rietmann, the attorney who was attending the KHSA meetings with Mr. Knoll, to all parties
8 in the KHSA, requesting additional time to review and understand amendments made by
9 primary parties to the KHSA and requesting that all proceedings relating to the
10 amendments be open, transparent and inclusive. #PR1, #INV1. Mr. Knoll explained that
11 Mr. Rietmann, in his letter, was saying that he would like to slow things down because
12 amendments were being added to the KHSA and he was not up to speed. Mr. Knoll
13 expressed that he would like to stay involved and oppose dam removal, to minimize the
14 risk to KID. #PR1.

15
16 Mr. Ganong informed the Board that they were in executive session under the wrong
17 statute. According to the minutes, he said, "This isn't really talking about litigation. This is
18 talking about records that are exempt by law from public disclosure. That's what's referred
19 to as confidential." Mr. Knoll then said, "There is a potential for litigation; we don't know
20 where it's going." #PR1.

21
22 The Board discussed its desire to stay involved in the KHSA process and returned to
23 regular session to make a decision on the matter. #PR1.

24
25 Ms. Jacobson's responses:

26
27 "There is no requirement in ORS 192.660 that the Board announce the specific
28 litigation to be discussed when announcing the subsection allowing the executive
29 session to occur. It is clear that legal advice of Mr. Rietmann related to the Klamath
30 Hydroelectric Settlement Agreement (relating to potential litigation) was discussed
31 at the meeting. KID's legal counsel, Bill Ganong, was present at the meeting and

1 voiced his opinion that ORS 192.660(2)(f) should have been utilized as the
2 appropriate subsection for the meeting, rather than ORS 192.660(2)(h). The topics
3 discussed in this executive session all relate to potential litigation, and Mr. Ganong
4 is correct, the discussion could also have taken place pursuant to ORS
5 192.660(2)(f), as the Board was discussing the advice of counsel. Mr. Cheyne
6 complied with the law by posting the executive session appropriately and providing
7 the public information regarding the topic of the executive session prior to
8 adjourning to executive session. Mr. Cheyne, Mr. Knoll, and Mr. Smith believe the
9 topics discussed related to potential litigation and it was proper to discuss these
10 subjects in executive session." #PR2.

11
12 "Similarly, the Board discussed the advice of attorney Nathan Rietmann at the
13 March 10, 2016 [executive session]. His March 8, 2016 letter, referenced in the
14 meeting, is attached to this letter." #INV1.

15
16 4/19/16 Executive Session: On 4/19/16, the five members of the KID Board of Directors
17 met in executive session. #PR1. The posted notice for the special meeting stated that the
18 Board would be meeting to consider the approval of the contract for interim management
19 services, interview candidates for District Manager's position, and "pursuant to ORS
20 192.660 (f) to consider information or records that are exempt by law from public
21 inspection." The notice then stated, "In accordance with ORS 192.660(2) (a) (f) an
22 Executive Session is permitted." #PR2.

23
24 The minutes of the executive session state that Board President Mr. Cheyne called the
25 meeting to order "to interview candidates for the District Manager under ORS
26 192.660(2)(a)." #PR1. A review of the audio recording of the public meeting preceding
27 the executive session indicates that Mr. Cheyne opened the public meeting by reading
28 the announcement described above nearly word-for-word. The Board chatted about
29 timeline for a new district manager for approximately 15 minutes until the first interview
30 began. There was no separate announcement made to differentiate the public meeting
31 from the executive session. #INV2.

1
2 The Board interviewed three candidates, then took a break and returned to the executive
3 session. According to the minutes, they announced the same provision, ORS
4 192.660(2)(a), to conduct one final interview. #PR1. Following the interviews, the Board
5 discussed the qualifications of the candidates, made a choice of the first and second
6 candidates based on tallying rankings, and discussed salary range. Members of the
7 Board then expressed their thoughts on whether the current staffing level was sufficient
8 for the needs of KID. #PR1.

9
10 Mr. Cheyne then announced that the Board would be changing the executive session to
11 ORS 192.660(2)(a)(f). Mr. Cacka asked several questions about the contract with
12 attorney Lawrence Kogan. He asked whether there was public review of the contract; Mr.
13 Carleton said no. He asked whether the contract with Lawrence Kogan had been voted
14 on; Mr. Carleton said no. He asked if it had been signed; Mr. Cheyne said yes. #PR1.

15
16 Mr. Cacka then asked when Mr. Kogan was retained to represent KID in the KHSA
17 process, since he understood that Mr. Kogan was hired to assist in negotiations of the C-
18 Flume. Mr. Kogan said that both were brought up at the same time, which is why they are
19 both in the engagement agreement, and he was available for the KHSA meetings at a
20 time when Mr. Rietmann was not. The Board discussed whether the document signed by
21 Mr. Kogan and Mr. Cheyne concerning Mr. Kogan's services was a contract or an
22 agreement for provision of services, with some disagreement on whether it should be
23 available for public review. #PR1.

24
25 The Board then discussed a privacy and confidentiality policy that had been circulated via
26 email by Mr. Kogan. Mr. Kogan stated that he believed the policy was necessary because
27 the Bureau of Reclamation had sought meetings with KID management, staff and Board
28 members, and he was invoking attorney-client privilege against the government agency.
29 It was a temporary measure until the Board decided what the policy should be. The Board
30 went on to discuss a letter sent by Mr. Kogan regarding the KHSA and a letter sent by
31 Mr. Kogan barring two individuals from speaking with KID Board members and

1 management. #PR1.

2

3 Mr. Cacka expressed his concern that the Board agreed to hire Mr. Kogan to oversee the
4 C-Flume contract, but that the letter of engagement was much broader than that, and that
5 the Board never discussed or voted on that scope. He asked whether Mr. Rietmann was
6 general counsel; Mr. Cheyne said that is how he understands it. There was discussion of
7 when and how this decision was made, followed by discussion of whether messages left
8 for Mr. Cheyne were being ignored. #PR1.

9

10 Ms. Jacobson's responses:

11

12 "While it does not appear from the minutes that Chair Cheyne announced both
13 subsections when entering into the executive session, the public was certainly
14 informed of the purpose of the executive session and that it would be held pursuant
15 to both subsections pursuant to the meeting posting. The minutes demonstrate
16 that Chair Cheyne then announced the transition to the portion of the meeting held
17 pursuant to ORS 192.660(2)(f); there were no members of the public in attendance
18 at any point during the meeting." #PR2.

19

20 "The minutes of the executive session reflect that the April 19, 2016 meeting was
21 held to interview candidates and to discuss the legal advice of Mr. Kogan, who was
22 present. There is an explicit reference to legal advice provided in an email from
23 Kogan to the Board on March 24th as well as Kogan's engagement letter, in the
24 executive session minutes which was the topic of the executive session. The Board
25 did not discuss any topics outside of these two topics authorized by ORS
26 192.660(2)(a) and (f), with the exception of the discussion on compensation."
27 #INV1.

28

29 **CONCLUSIONS:** Grant Knoll was a member of the Board of Directors for the Klamath
30 Irrigation District (KID) during the period relevant to this preliminary review. Under the
31 definitions in ORS 192.610, KID is a public body, and the Board of Directors is its

1 governing body. As a Board member, Mr. Knoll is required to comply with the executive
2 session provisions of Oregon public meetings law pursuant to ORS 192.660.

3
4 An executive session is a meeting or a part of a meeting of a governing body that is closed
5 to certain persons for deliberation on certain matters. ORS 192.610(2). ORS 192.660
6 allows a governing body to hold an executive session to discuss specific topics once
7 certain conditions and prerequisites are met. Per ORS 192.660(1), the governing body of
8 a public body may hold an executive session during a regular, special or emergency
9 meeting, "after the presiding officer has identified the authorization under ORS 192.610
10 to 192.690 for holding the executive session."

11
12 During the meeting on 2/9/16, the Board announced that they were going into executive
13 session under ORS 192.660(2)(d), which permits a governing body to hold an executive
14 session "to conduct deliberations with persons designated by the governing body to carry
15 on labor negotiations." Rather than conducting labor negotiations, the Board discussed
16 personnel issues and their concerns about specific employees, which is not a topic
17 permitted by ORS 192.660(2)(d). Even if the Board had more accurately entered
18 executive session under ORS 192.660(2)(b), "to consider the dismissal or disciplining of,
19 or to hear complaints or charges brought against, a public officer, employee, staff member
20 or individual agent who does not request an open hearing," the Board did not meet the
21 prerequisite for holding an executive session under that subsection, because the
22 employees were not given an opportunity to request an open hearing instead of the
23 executive session.

24
25 At the second executive session, on 2/29/16, the Board announced that they were going
26 into executive session under ORS 192.660(2). The announcement stated that this was
27 "to discuss legal matters." ORS 192.660(2)(h) permits a governing body to hold an
28 executive session "to consult with counsel regarding the legal rights and duties of a public
29 body with regard to current litigation or litigation likely to be filed." The governing body did
30 not limit their discussion to consulting with counsel regarding current litigation or litigation
31 likely to be filed, as their attorney twice cautioned them during the meeting. The litigation

1 they believed they were discussing appears to have been the possibility of litigation if a
2 vote and other methods of fundraising did not pan out, not litigation with any level of
3 imminence. Several other topics not permitted under ORS 192.660(2)(h) were discussed
4 during the meeting, such as: a previous consultation that Mr. Cheyne had with an outside
5 attorney, the water flows needed to keep everyone whole, various methods for funding a
6 pipeline, the negotiations at the KHSA meetings, whether Mr. Knoll should sign a
7 confidentiality agreement concerning KHSA negotiations, whether to have legal
8 representation at the KHSA meetings, and the effect of damn removal on PacifiCorp
9 rates. #PR1.

10
11 During the meeting on 3/10/16, the Board announced that they were going into executive
12 session "pursuant to ORS 192.660(2)(d) to discuss legal matters." ORS 192.660(2)(d)
13 relates to labor negotiations. There is no provision of ORS 192.660(2) that permits
14 general discussion of "legal matters." ORS 192.660(2)(h) permits a governing body to
15 hold an executive session "to consult with legal counsel regarding the legal rights and
16 duties of a public body with regard to current litigation or litigation likely to be filed." At this
17 executive session, rather than consulting with counsel regarding current litigation or
18 litigation likely to be filed, the Board members discussed with one another slowing down
19 and staying involved in the KHSA process to minimize the risk to KID, and a letter from
20 an attorney that was not addressed to the Board but to KHSA parties. The KID attorney,
21 Mr. Ganong, cautioned the Board that the discussion was not about litigation but about
22 records exempt from public inspection, which was not the subsection under which the
23 Board had entered the executive session. Even if the Board had entered executive
24 session under the proper subsection, it is not clear that this document was actually a
25 record that would be exempt from public inspection, because it was not a letter written to
26 the Board by their attorney, but a letter written to other parties to the KHSA.

27
28 At the final executive session, on 4/19/16, the Board announced that they were going into
29 executive session "to interview candidates for the District Manager under ORS
30 192.660(2)(a)." Without breaking executive session, they later changed the executive
31 session to ORS 192.660(2)(a)(f), without describing what was meant by this, although the

1 posted notice included the phrase "to consider information or records that are exempt by
2 law from public inspection." #PR2. During this executive session, the Board discussed
3 various topics not permitted by ORS 192.660(2)(a) or (f), including: salary for the District
4 Manager, satisfaction with current staff, the scope of the contract with Mr. Kogan and why
5 it was not available for public review, the decision-making process regarding retaining Mr.
6 Kogan and Mr. Rietmann, and an apparent temporary privacy and confidentiality policy
7 that had been emailed to members of the Board. #PR1.

8
9 It appears by a preponderance of the evidence that Grant Knoll violated the executive
10 session provisions of ORS 192.660 when he participated in executive sessions on 2/9/16,
11 2/29/16, 3/10/16 and 4/19/16.

12
13 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should make a
14 preliminary finding that Klamath Irrigation District Board Member Grant Knoll violated the
15 executive session provisions of ORS 192.660 when he participated as a member of a
16 governing body in executive sessions on 2/9/16, 2/29/16, 3/10/16, and 4/19/16 at which
17 topics not authorized for executive session were discussed and/or the prerequisites for
18 holding an executive session were not met.

1 ASSOCIATED DOCUMENTS:

2 #PR1 Complaint signed by David Cacka and Greg Carleton and other material,
3 received 05/09/16.

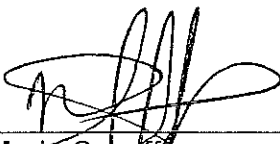
4 #PR2 Response from Rebekah Jacobson, representing Brent Cheyne, Grant
5 Knoll and Kenneth Smith, received in OGEC office on 05/31/16.

6 #INV1 Letter from Rebekah Jacobson on behalf of Brent Cheyne, Grant Knoll and
7 Kenneth Smith, receive in OGEC office on 11/16/16.

8 #INV2 Flash drive containing audio recordings of 2/9/16, 2/29/16, 3/10/16 and
9 4/19/16 public meetings and executive sessions.

10
11

PREPARED BY



Marie Schaffers
Investigator

3/2/17

Date

APPROVED BY

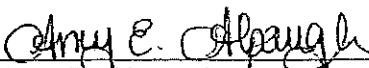


Ronald A. Bersin
Executive Director

3/2/17

Date

REVIEWED BY



Amy E. Alpaugh
Assistant Attorney General

3/2/17

Date

OREGON GOVERNMENT ETHICS COMMISSION
INVESTIGATION

CASE NO: 16-125XMS

DATE: March 2, 2017

RESPONDENT: SMITH, Kenneth, Member of Klamath Irrigation District Board of Directors

COMPLAINANT: CARLETON, Greg; CACKA, David

RECOMMENDED ACTION: Make a Preliminary Finding of Four (4) Violations of ORS 192.660(2)

1 **SYNOPSIS:** Kenneth Smith served as a member of the Klamath Irrigation District Board
2 of Directors and participated in executive sessions relevant to this investigation. The focus
3 of this investigation was to determine if there was a preponderance of evidence to indicate
4 that the topics discussed in relevant executive sessions by the Klamath Irrigation District
5 Board of Directors violated the executive session provisions of Oregon Public Meetings
6 law.

7
8 A review of information indicates that the Klamath Irrigation District Board of Directors
9 discussed topics not permitted by the executive session provisions of ORS 192.660 as
10 follows:

- 11
12 1) On 2/9/16, the Board held an executive session described as being held under
13 ORS 192.660(2)(d), "to discuss labor negotiations." During the executive
14 session, two district employees were placed on administrative leave;
15 2) On 2/29/16, the Board held an executive session described as being held

1 pursuant to ORS 192.660(2) "to discuss legal matters." During the executive
2 session, the Board discussed retaining two attorneys as specialized counsel to
3 represent the District in negotiations of a loan and repayment contract and the
4 Klamath Hydroelectric Settlement Agreement/Klamath Basin Restoration
5 Agreement (KHSA/KBRA), as well as ramifications if the contract was not
6 approved in the upcoming election;

7 3) On 3/10/16, the Board held an executive session described as being held
8 pursuant to ORS 192.660(2)(d) "to discuss legal matters." During the executive
9 session, the Board discussed developments in the KHSA/KBRA negotiations,
10 including a letter from attorney Nathan Rietmann to other parties to the KHSA;

11 4) On 4/19/16, the Board held an executive session described as being held
12 pursuant to ORS 192.660(2)(a) to conduct interviews of and discuss potential
13 candidates for the position of District Manager. These discussions included
14 discussion of who would make the job offer to the top candidate and the salary
15 range they wished to offer. During the executive session, Mr. Cheyne, the
16 President of the Board, stated that the executive session was being changed
17 to ORS 192.660(2)(a)(f). The Board then discussed how the hiring of attorney
18 Lawrence Kogan had taken place, namely the contract that was signed
19 between the Board and Mr. Kogan.

20
21 There is sufficient evidence to indicate that Brent Cheyne participated as a Board member
22 in four (4) executive sessions held in February, March and April of 2016 by the Klamath
23 Irrigation District Board of Directors and that in each of these executive sessions a topic
24 was discussed which was not authorized under ORS 192.660(2).

25
26 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
27 issues addressed herein:

28
29 **192.660 Executive sessions permitted on certain matters; procedures; news**
30 **media representatives' attendance; limits.**

1 (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body
2 from holding executive session during a regular, special or emergency meeting,
3 after the presiding officer has identified the authorization under ORS 192.610 to
4 192.690 for holding the executive session.

5 (2) The governing body of a public body may hold an executive session:

6 (a) To consider the employment of a public officer, employee, staff member
7 or individual agent...

8 (b) To consider the dismissal or disciplining of, or to hear complaints or
9 charges brought against, a public officer, employee, staff member or
10 individual agent who does not request an open hearing...

11 (d) To conduct deliberations with persons designated by the governing body
12 to carry on labor negotiations...

13 (f) To consider information or records that are exempt by law from public
14 inspection...

15 (h) To consult with counsel concerning the legal rights and duties of a public
16 body with regard to current litigation or litigation likely to be filed.

17 (i) To review and evaluate the employment-related performance of the chief
18 executive officer of any public body, a public officer, employee or staff
19 member who does not request an open hearing...

20 (3) Labor negotiations shall be conducted in open meetings unless negotiators for
21 both sides request that negotiations be conducted in executive session. Labor
22 negotiations conducted in executive session are not subject to the notification
23 requirements of ORS 192.640.

24 (4) Representatives of the news media shall be allowed to attend executive
25 sessions other than those held under subsection (2)(d) of this section relating to
26 labor negotiations or executive session held pursuant to ORS 332.061 (2) but the
27 governing body may require that specified information be undisclosed.

28 (5) When a governing body convenes an executive session under subsection
29 (2)(h) of this section relating to conferring with counsel on current litigation or
30 litigation likely to be filed, the governing body shall bar any member of the news
31 media from attending the executive session if the member of the news media is a

1 party to the litigation or is an employee, agent or contractor of a news media
2 organization that is a party to the litigation.

3 (6) No executive session may be held for the purpose of taking any final action or
4 making any final decision.

5 (7) The exception granted by subsection (2)(a) of this section does not apply to:

6 (a) The filling of a vacancy in an elective office.

7 (b) The filling of a vacancy on any public committee, commission or other
8 advisory group.

9 (c) The consideration of general employment policies.

10 (d) The employment of the chief executive officer, other public officers,
11 employees and staff members of a public body unless:

12 (A) The public body has advertised the vacancy;

13 (B) The public body has adopted regular hiring procedures;

14 (C) In the case of an officer, the public has had the opportunity to
15 comment on the employment of the officer; and

16 (D) In the case of a chief executive officer, the governing body has
17 adopted hiring standards, criteria and policy directives in meetings
18 open to the public in which the public has had the opportunity to
19 comment on the standards, criteria and policy directives.

20 (8) A governing body may not use an executive session for purposes of evaluating
21 a chief executive officer or other officer, employee or staff member to conduct a
22 general evaluation of an agency goal, objective or operation or any directive to
23 personnel concerning agency goals, objectives, operations or programs.

24
25 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated
26 a preliminary review based on a signed complaint from David Cacka and Greg Carleton,
27 members of the Board of Directors of the Klamath Irrigation District (KID), on 5/9/16. Mr.
28 Cacka and Mr. Carleton alleged that Brent Cheyne, Grant Knoll and Kenneth Smith, as
29 well as the two complainants, may have violated the executive session provisions of ORS
30 192.660 by participating in executive sessions in February, March and April of 2016 at
31 which topics not authorized for executive session were discussed or statutory

1 prerequisites were not met. #PR1. The Commission found cause to investigate on 7/1/16
2 after considering the information developed in the preliminary review. The investigation
3 focused on whether there is enough information to find by a preponderance of the
4 evidence that the five members of the KID Board of Directors violated the executive
5 session provisions of ORS 192.660 at meetings held on 2/9/16, 2/29/16, 3/10/16, and
6 4/19/16. The respondents and complainants have been notified of Commission Actions
7 in this matter. They have been invited to provide any information that would assist the
8 Commission in conducting this investigation.

9
10 After the Commission opened a preliminary review in this matter, three of the
11 respondents, Mr. Cheyne, Mr. Knoll and Mr. Smith responded to the complaint via a letter
12 from their attorney, Rebekah R. Jacobson. Ms. Jacobson also sent another letter during
13 the investigative phase, declining a settlement offer. Her letters will be provided to the
14 Commission in their entirety, but excerpts from both letters are included below after the
15 descriptions of the relevant meetings.

16
17 2/9/16 Executive Session: On 2/9/16, four members of the KID Board of Directors held
18 an executive session. Present at the executive session were Mr. Cheyne, Mr. Knoll, Mr.
19 Smith and Mr. Cacka. According to the minutes of the meeting, Mr. Cheyne, the Board
20 President, announced that the Board of Directors was going into executive session
21 "pursuant to ORS 192.660(2)(d) to discuss labor negotiations." #PR1. The audio
22 recording of the special meeting preceding the executive session is very difficult to
23 understand, with a great deal of background noise, so no additional information about the
24 announcement before the Board entered executive session could be discerned from a
25 review of the recording. #INV2.

26
27 Two staff members of KID were sent letters dated 2/8/16, which were enclosed with the
28 complaint, whose subject was "Notice of Opportunity for Hearing, Possible Dismissal at
29 KID Regular Board Meeting at 10:00am on Thursday, February 18, 2016 at Merrill Civic
30 Center." These letters mention an emergency executive session to consider placing the
31 staff members on non-disciplinary paid administrative leave, but do not provide notice of

1 the time or date of that emergency executive session, nor do they provide the staff
2 members with the opportunity to request an open hearing at that executive session.
3 #PR1. (Such notice would have been required had the Board been considering
4 complaints or charges against the staff members pursuant to ORS 192.660(2)(b).) The
5 letters also describe the reasons why the Board President was asking the Board to
6 dismiss the staff members at the 2/18/16 meeting: the staff members produced and/or
7 authorized payment of annual dues to the Klamath Water Users Association (KWUA),
8 which the Board had at one point voted to leave, although there was some back-and-forth
9 about what the final decision on dues had been. #PR1.

10
11 Upon opening the executive session on 2/9/16, the Board discussed the events that led
12 to the meeting, including the various votes by the Board regarding membership in KWUA.
13 Mr. Cheyne stated that he thought placing the staff members on administrative leave
14 would give everybody "a chance to get the cobwebs out of their mind." The Board briefly
15 discussed who would replace the District Manager while he was on administrative leave
16 and returned to open session. #PR1.

17
18 Ms. Jacobson's responses:

19
20 "There was no violation of ORS 192.660 during the February 9, 2016 Board
21 Meeting as evidenced by the February 8, 2016 notices to the two employees, the
22 posting for this special Board meeting and the minutes of the special board
23 meeting and executive session. The KID Board's general counsel, Bill Ganong,
24 attended every Board meeting referenced in this complaint. KID Board members
25 relied on Mr. Ganong to provide legal advice regarding the appropriateness of a
26 subject for an executive session discussion and which subsection to refer to in the
27 Board meeting posting and when announcing the executive session during the
28 open session. The Board was also receiving legal advice from attorney Nathan
29 Rietmann, who provided a letter of advice outlining the procedure for the February
30 9, 2016 Board Meeting...

1 In addition, the February 8, 2016 letters to [both employees] provided advance
2 notice of a hearing to consider the employees' termination from employment on
3 February 18, 2016. This notice stated that they had the opportunity to hold this
4 hearing in open session.

5
6 The discussion at the February 9, 2016 executive session held pursuant to ORS
7 192.660(2)(b) was whether to place the employees on non-disciplinary paid
8 administrative leave. Chair Cheyne was following the advice of attorney Nathan
9 Rietmann, who advised Chair Cheyne regarding the proper process to consider
10 whether to place employees on non-disciplinary paid administrative leave. Mr.
11 Rietmann did not advise Mr. Cheyne that an open hearing was necessary for this
12 non-disciplinary decision. However, as evidenced by the minutes, both
13 [employees] were provided an opportunity to address the Board regarding their
14 employment during the executive session. Both employees also responded to the
15 February 8, 2016 letter to note their preference for an open or closed hearing."
16 #PR2.

17
18 "While the February 8, 2016 memos sent to the two affected employees did not
19 explicitly state that they could request an open session for the February 9, 2016
20 [executive session], it did provide the employees advance notice of the executive
21 session, which both employees attended, as documented in the executive session
22 minutes. Also, the executive session minutes reflect a discussion about the reason
23 why the employees are being placed on administrative leave—dissatisfaction with
24 the handling of the payment to the Klamath Water Users Association (KWUA),
25 given the Board's prior discussions about withdrawing from KWUA. Therefore,
26 there was no discussion of topics outside of the reason for the executive session."
27 #INV1.

28
29 2/29/16 Executive Session: On 2/29/16, four member of the KID Board of Directors held
30 an executive session. Mr. Cheyne, Mr. Knoll, Mr. Smith and Mr. Carleton attended the
31 executive session. According to the minutes of the meeting, Mr. Cheyne announced that

1 the Board of Directors was going into executive session "pursuant to ORS 192.660(2) to
2 discuss legal matters." #PR1. The complaint explains that attorney William Ganong, who
3 was present at the meeting, had resigned as counsel for KID, but attended the meeting
4 because the Board had not yet retained new counsel. #PR1. On the audio recording, an
5 announcement is made that the Board is going into executive session pursuant to ORS
6 192.660(2). A member of the audience asked why the Board was going into executive
7 session, and someone, apparently Mr. Cheyne, said that it was "to talk about some legal
8 issues regarding the C-Flume." The audience then asked about the timing of an election
9 to approve a contract related to the C-Flume project. #INV2.

10
11 During the executive session, Mr. Cheyne explained that he wanted to get some second
12 opinions on legal matters involving the Bureau of Reclamation (Bureau) and the C-Flume,
13 and he "had an opportunity to visit with Larry Kogan, a D.C. attorney who does a lot of
14 this stuff." He reported on his conversation with Mr. Kogan, including that Mr. Kogan had
15 previously successfully argued that damage was caused to a similar flume by a railroad,
16 and stated that he believed that KID needed a "heavy hitter lined up" for meetings with
17 the Bureau. In a recent meeting with the Bureau he felt the Bureau was very pushy. He
18 then explained that they needed to get a new attorney on board quickly, in time for Mr.
19 Ganong to get the new attorney up to speed. #PR1.

20
21 The Board went on to discuss the ramifications if the proposed contract for the C-Flume
22 project failed to be approved in the upcoming election, including the possibility of the need
23 to cut flows past the point that would keep everyone whole, an upcoming inspection and
24 evaluation, and possible changes to prices. Mr. Cheyne expressed the need for
25 specialized help on these matters as well as for options for alternate funding for a pipeline
26 if the district voted down the proposed contract, such as KID selling bonds. #PR1.

27
28 Mr. Knoll described the Klamath Hydroelectric Settlement Agreement (KHSA) meetings
29 he had been attending regarding potential removal of the dam. He expressed the need to
30 have legal representation at the meetings. Mr. Ganong "cautioned that the board needs
31 to be careful because the executive session exception is for pending or threatened

1 litigation. He said I think that you can make a pretty good argument that if the election
2 fails or whatever, there could be some threat of pending litigation at this point in time. But
3 now you are headed off that subject quite a ways so you've got to be careful that you
4 don't violate the public meetings laws." #PR1. The Board members then continued to
5 discuss the need for a legal advisor to be present at the meetings Mr. Knoll was attending.
6 Mr. Knoll was concerned about a confidentiality agreement that he was asked to sign at
7 the last meeting. He suggested that they engage an attorney and cut him loose later.
8 #PR1.

9
10 Mr. Cheyne expressed concerns about rate payers paying for demolition of the dam. After
11 a brief discussion of costs being passed on to rate payers, Mr. Ganong again warned the
12 Board members that "none of this discussion is under the executive session, just be
13 careful, that's all I'm saying." #PR1. The Board members discussed retaining attorney
14 Nathan Rietmann, out of Salem, to attend meetings with Mr. Knoll, beginning the next
15 day. Mr. Carleton stated his concerns that he was just now hearing about this idea and
16 had to make a decision immediately, because he had not received the explanatory emails.
17 Mr. Cheyne suggested that they return to regular session and vote on two matters: one
18 concerning specialized help from Mr. Kogan, and one concerning reinforcement for Mr.
19 Knoll as he attended the meetings. #PR1.

20
21 During the regular meeting following the executive session, the Board voted to engage
22 Lawrence Kogan to oversee the C-Flume contract issues, and to retain Nathan Rietmann
23 to attend the KHSA meeting the next day. #PR1.

24
25 Ms. Jacobson's responses:

26
27 "Mr. Ganong was still acting as legal counsel for KID until his resignation in March
28 2016. Mr. Cheyne relied upon Mr. Ganong to provide the proper legal citation for
29 the executive session. It also appears Mr. Ganong reviewed Board minutes as a
30 matter of course to ensure the proper subsection to go into executive session was
31 cited...

1
2 Mr. Cheyne indicated that the Board was going into executive session to discuss
3 legal matters. As is clear from the discussion transcribed in the executive session
4 minutes, the Board was discussing pending or threatened litigation involving KID.
5 The Board also discussed the advice of counsels Nathan Rietmann and Lawrence
6 Kogan. These topics are all permissible pursuant to ORS 192.660(2)(f) and ORS
7 192.660(2)(h). It appears from the minutes that Mr. Cheyne did not note which
8 subsections the Board was utilizing to enter executive session and the legal
9 counsel present, Mr. Ganong, did not correct this error during the meeting. Mr.
10 Cheyne substantially complied with the law by posting the executive session
11 correctly and providing the public information regarding the topic of the executive
12 session during open session prior to adjourning to executive session." #PR2.

13
14 "All topics discussed during the February 29, 2016 executive session related to
15 information that was subject to the attorney-client privilege, and therefore, the
16 Board was properly in executive session pursuant to ORS 192.660(2)(f) and (2)(h).
17 Mr. Kogan's February 28, 2016 engagement letter (attached to the initial
18 complaint) addressed the subject matter discussed in the executive session,
19 including current or potential litigation. The requirement stated in OAR 199-040-
20 0050 that the lawyer who is providing the advice related to current or potential
21 litigation be present in-person or telephonically was not adopted until June 1, 2016,
22 after this executive session took place and cannot serve as a basis for discipline."
23 #INV1.

24
25 3/10/16 Executive Session: On 3/10/16, four members of the KID Board of Directors held
26 an executive session. Mr. Cheyne, Mr. Knoll, Mr. Smith and Mr. Cacka attended the
27 executive session. According to the minutes of the meeting, Board President Mr. Cheyne
28 announced that the Board was going into executive session "pursuant to ORS
29 192.660(2)(d) to discuss legal matters." #PR1. A review of the audio indicates that Mr.
30 Cheyne said, "At this point we've got a legal issue to discuss, so pursuant to ORS
31 192.660(2), I am calling this body into executive session." In the background, someone

1 states that Mr. Cheyne needed to specify the specific subsection and that person read
2 the words of ORS 192.660(2)(h). #INV2.

3
4 Once the executive session was opened, Mr. Cheyne turned the meeting over to Mr.
5 Knoll, who had been attending meetings of the KHSA, to explain what had been
6 happening at the meetings. The Board members also had copies of a letter from Mr.
7 Rietmann, the attorney who was attending the KHSA meetings with Mr. Knoll, to all parties
8 in the KHSA, requesting additional time to review and understand amendments made by
9 primary parties to the KHSA and requesting that all proceedings relating to the
10 amendments be open, transparent and inclusive. #PR1, #INV1. Mr. Knoll explained that
11 Mr. Rietmann, in his letter, was saying that he would like to slow things down because
12 amendments were being added to the KHSA and he was not up to speed. Mr. Knoll
13 expressed that he would like to stay involved and oppose dam removal, to minimize the
14 risk to KID. #PR1.

15
16 Mr. Ganong informed the Board that they were in executive session under the wrong
17 statute. According to the minutes, he said, "This isn't really talking about litigation. This is
18 talking about records that are exempt by law from public disclosure. That's what's referred
19 to as confidential." Mr. Knoll then said, "There is a potential for litigation; we don't know
20 where it's going." #PR1.

21
22 The Board discussed its desire to stay involved in the KHSA process and returned to
23 regular session to make a decision on the matter. #PR1.

24
25 Ms. Jacobson's responses:

26
27 "There is no requirement in ORS 192.660 that the Board announce the specific
28 litigation to be discussed when announcing the subsection allowing the executive
29 session to occur. It is clear that legal advice of Mr. Rietmann related to the Klamath
30 Hydroelectric Settlement Agreement (relating to potential litigation) was discussed
31 at the meeting. KID's legal counsel, Bill Ganong, was present at the meeting and

1 voiced his opinion that ORS 192.660(2)(f) should have been utilized as the
2 appropriate subsection for the meeting, rather than ORS 192.660(2)(h). The topics
3 discussed in this executive session all relate to potential litigation, and Mr. Ganong
4 is correct, the discussion could also have taken place pursuant to ORS
5 192.660(2)(f), as the Board was discussing the advice of counsel. Mr. Cheyne
6 complied with the law by posting the executive session appropriately and providing
7 the public information regarding the topic of the executive session prior to
8 adjourning to executive session. Mr. Cheyne, Mr. Knoll, and Mr. Smith believe the
9 topics discussed related to potential litigation and it was proper to discuss these
10 subjects in executive session.” #PR2.

11
12 “Similarly, the Board discussed the advice of attorney Nathan Rietmann at the
13 March 10, 2016 [executive session]. His March 8, 2016 letter, referenced in the
14 meeting, is attached to this letter.” #INV1.

15
16 4/19/16 Executive Session: On 4/19/16, the five members of the KID Board of Directors
17 met in executive session. #PR1. The posted notice for the special meeting stated that the
18 Board would be meeting to consider the approval of the contract for interim management
19 services, interview candidates for District Manager’s position, and “pursuant to ORS
20 192.660 (f) to consider information or records that are exempt by law from public
21 inspection.” The notice then stated, “In accordance with ORS 192.660(2) (a) (f) an
22 Executive Session is permitted.” #PR2.

23
24 The minutes of the executive session state that Board President Mr. Cheyne called the
25 meeting to order “to interview candidates for the District Manager under ORS
26 192.660(2)(a).” #PR1. A review of the audio recording of the public meeting preceding
27 the executive session indicates that Mr. Cheyne opened the public meeting by reading
28 the announcement described above nearly word-for-word. The Board chatted about
29 timeline for a new district manager for approximately 15 minutes until the first interview
30 began. There was no separate announcement made to differentiate the public meeting
31 from the executive session. #INV2.

1
2 The Board interviewed three candidates, then took a break and returned to the executive
3 session. According to the minutes, they announced the same provision, ORS
4 192.660(2)(a), to conduct one final interview. #PR1. Following the interviews, the Board
5 discussed the qualifications of the candidates, made a choice of the first and second
6 candidates based on tallying rankings, and discussed salary range. Members of the
7 Board then expressed their thoughts on whether the current staffing level was sufficient
8 for the needs of KID. #PR1.

9
10 Mr. Cheyne then announced that the Board would be changing the executive session to
11 ORS 192.660(2)(a)(f). Mr. Cacka asked several questions about the contract with
12 attorney Lawrence Kogan. He asked whether there was public review of the contract; Mr.
13 Carleton said no. He asked whether the contract with Lawrence Kogan had been voted
14 on; Mr. Carleton said no. He asked if it had been signed; Mr. Cheyne said yes. #PR1.

15
16 Mr. Cacka then asked when Mr. Kogan was retained to represent KID in the KHSA
17 process, since he understood that Mr. Kogan was hired to assist in negotiations of the C-
18 Flume. Mr. Kogan said that both were brought up at the same time, which is why they are
19 both in the engagement agreement, and he was available for the KHSA meetings at a
20 time when Mr. Rietmann was not. The Board discussed whether the document signed by
21 Mr. Kogan and Mr. Cheyne concerning Mr. Kogan's services was a contract or an
22 agreement for provision of services, with some disagreement on whether it should be
23 available for public review. #PR1.

24
25 The Board then discussed a privacy and confidentiality policy that had been circulated via
26 email by Mr. Kogan. Mr. Kogan stated that he believed the policy was necessary because
27 the Bureau of Reclamation had sought meetings with KID management, staff and Board
28 members, and he was invoking attorney-client privilege against the government agency.
29 It was a temporary measure until the Board decided what the policy should be. The Board
30 went on to discuss a letter sent by Mr. Kogan regarding the KHSA and a letter sent by
31 Mr. Kogan barring two individuals from speaking with KID Board members and

1 management. #PR1.

2

3 Mr. Cacka expressed his concern that the Board agreed to hire Mr. Kogan to oversee the
4 C-Flume contract, but that the letter of engagement was much broader than that, and that
5 the Board never discussed or voted on that scope. He asked whether Mr. Rietmann was
6 general counsel; Mr. Cheyne said that is how he understands it. There was discussion of
7 when and how this decision was made, followed by discussion of whether messages left
8 for Mr. Cheyne were being ignored. #PR1.

9

10 Ms. Jacobson's responses:

11

12 "While it does not appear from the minutes that Chair Cheyne announced both
13 subsections when entering into the executive session, the public was certainly
14 informed of the purpose of the executive session and that it would be held pursuant
15 to both subsections pursuant to the meeting posting. The minutes demonstrate
16 that Chair Cheyne then announced the transition to the portion of the meeting held
17 pursuant to ORS 192.660(2)(f); there were no members of the public in attendance
18 at any point during the meeting." #PR2.

19

20 "The minutes of the executive session reflect that the April 19, 2016 meeting was
21 held to interview candidates and to discuss the legal advice of Mr. Kogan, who was
22 present. There is an explicit reference to legal advice provided in an email from
23 Kogan to the Board on March 24th as well as Kogan's engagement letter, in the
24 executive session minutes which was the topic of the executive session. The Board
25 did not discuss any topics outside of these two topics authorized by ORS
26 192.660(2)(a) and (f), with the exception of the discussion on compensation."
27 #INV1.

28

29 **CONCLUSIONS:** Kenneth Smith was a member of the Board of Directors for the Klamath
30 Irrigation District (KID) during the period relevant to this preliminary review. Under the
31 definitions in ORS 192.610, KID is a public body, and the Board of Directors is its

1 governing body. As a Board member, Mr. Smith is required to comply with the executive
2 session provisions of Oregon public meetings law pursuant to ORS 192.660.

3
4 An executive session is a meeting or a part of a meeting of a governing body that is closed
5 to certain persons for deliberation on certain matters. ORS 192.610(2). ORS 192.660
6 allows a governing body to hold an executive session to discuss specific topics once
7 certain conditions and prerequisites are met. Per ORS 192.660(1), the governing body of
8 a public body may hold an executive session during a regular, special or emergency
9 meeting, "after the presiding officer has identified the authorization under ORS 192.610
10 to 192.690 for holding the executive session."

11
12 During the meeting on 2/9/16, the Board announced that they were going into executive
13 session under ORS 192.660(2)(d), which permits a governing body to hold an executive
14 session "to conduct deliberations with persons designated by the governing body to carry
15 on labor negotiations." Rather than conducting labor negotiations, the Board discussed
16 personnel issues and their concerns about specific employees, which is not a topic
17 permitted by ORS 192.660(2)(d). Even if the Board had more accurately entered
18 executive session under ORS 192.660(2)(b), "to consider the dismissal or disciplining of,
19 or to hear complaints or charges brought against, a public officer, employee, staff member
20 or individual agent who does not request an open hearing," the Board did not meet the
21 prerequisite for holding an executive session under that subsection, because the
22 employees were not given an opportunity to request an open hearing instead of the
23 executive session.

24
25 At the second executive session, on 2/29/16, the Board announced that they were going
26 into executive session under ORS 192.660(2). The announcement stated that this was
27 "to discuss legal matters." ORS 192.660(2)(h) permits a governing body to hold an
28 executive session "to consult with counsel regarding the legal rights and duties of a public
29 body with regard to current litigation or litigation likely to be filed." The governing body did
30 not limit their discussion to consulting with counsel regarding current litigation or litigation
31 likely to be filed, as their attorney twice cautioned them during the meeting. The litigation

1 they believed they were discussing appears to have been the possibility of litigation if a
2 vote and other methods of fundraising did not pan out, not litigation with any level of
3 imminence. Several other topics not permitted under ORS 192.660(2)(h) were discussed
4 during the meeting, such as: a previous consultation that Mr. Cheyne had with an outside
5 attorney, the water flows needed to keep everyone whole, various methods for funding a
6 pipeline, the negotiations at the KHSA meetings, whether Mr. Knoll should sign a
7 confidentiality agreement concerning KHSA negotiations, whether to have legal
8 representation at the KHSA meetings, and the effect of damn removal on PacifiCorp
9 rates. #PR1.

10

11 During the meeting on 3/10/16, the Board announced that they were going into executive
12 session "pursuant to ORS 192.660(2)(d) to discuss legal matters." ORS 192.660(2)(d)
13 relates to labor negotiations. There is no provision of ORS 192.660(2) that permits
14 general discussion of "legal matters." ORS 192.660(2)(h) permits a governing body to
15 hold an executive session "to consult with legal counsel regarding the legal rights and
16 duties of a public body with regard to current litigation or litigation likely to be filed." At this
17 executive session, rather than consulting with counsel regarding current litigation or
18 litigation likely to be filed, the Board members discussed with one another slowing down
19 and staying involved in the KHSA process to minimize the risk to KID, and a letter from
20 an attorney that was not addressed to the Board but to KHSA parties. The KID attorney,
21 Mr. Ganong, cautioned the Board that the discussion was not about litigation but about
22 records exempt from public inspection, which was not the subsection under which the
23 Board had entered the executive session. Even if the Board had entered executive
24 session under the proper subsection, it is not clear that this document was actually a
25 record that would be exempt from public inspection, because it was not a letter written to
26 the Board by their attorney, but a letter written to other parties to the KHSA.

27

28 At the final executive session, on 4/19/16, the Board announced that they were going into
29 executive session "to interview candidates for the District Manager under ORS
30 192.660(2)(a)." Without breaking executive session, they later changed the executive
31 session to ORS 192.660(2)(a)(f), without describing what was meant by this, although the

1 posted notice included the phrase "to consider information or records that are exempt by
2 law from public inspection." #PR2. During this executive session, the Board discussed
3 various topics not permitted by ORS 192.660(2)(a) or (f), including: salary for the District
4 Manager, satisfaction with current staff, the scope of the contract with Mr. Kogan and why
5 it was not available for public review, the decision-making process regarding retaining Mr.
6 Kogan and Mr. Rietmann, and an apparent temporary privacy and confidentiality policy
7 that had been emailed to members of the Board. #PR1.

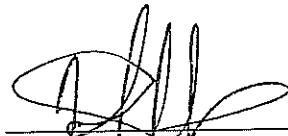
8
9 It appears by a preponderance of the evidence that Kenneth Smith violated the executive
10 session provisions of ORS 192.660 when he participated in executive sessions on 2/9/16,
11 2/29/16, 3/10/16 and 4/19/16.

12
13 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should make a
14 preliminary finding that Klamath Irrigation District Board Member Kenneth Smith violated
15 the executive session provisions of ORS 192.660 when he participated as a member of
16 a governing body in executive sessions on 2/9/16, 2/29/16, 3/10/16, and 4/19/16 at which
17 topics not authorized for executive session were discussed and/or the prerequisites for
18 holding an executive session were not met.

1 **ASSOCIATED DOCUMENTS:**

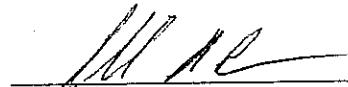
- 2 #PR1 Complaint signed by David Cacka and Greg Carleton and other material,
3 received 05/09/16.
4 #PR2 Response from Rebekah Jacobson, representing Brent Cheyne, Grant
5 Knoll and Kenneth Smith, received in OGEC office on 05/31/16.
6 #INV1 Letter from Rebekah Jacobson on behalf of Brent Cheyne, Grant Knoll and
7 Kenneth Smith, receive in OGEC office on 11/16/16.
8 #INV2 Flash drive containing audio recordings of 2/9/16, 2/29/16, 3/10/16 and
9 4/19/16 public meetings and executive sessions.
10
11

PREPARED BY


Marie Schreffers
Investigator

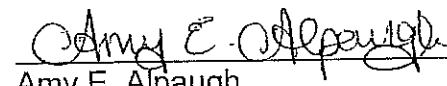
3/2/17
Date

APPROVED BY


Ronald A. Bersin
Executive Director

3/2/17
Date

REVIEWED BY


Amy E. Alpaugh
Assistant Attorney General

3/2/17
Date

OREGON GOVERNMENT ETHICS COMMISSION

INVESTIGATION

CASE NO: 16-126XMS

DATE: March 2, 2017

RESPONDENT: CACKA, David, Member of Klamath Irrigation District Board of Directors

COMPLAINANT: CARLETON, Greg; CACKA, David

RECOMMENDED ACTION: Make a Preliminary Finding of Three (3) Violations of ORS 192.660(2)

1 **SYNOPSIS:** David Cacka served as a member of the Klamath Irrigation District Board of
2 Directors and participated in executive sessions relevant to this investigation. The focus
3 of this investigation was to determine if there was a preponderance of evidence to indicate
4 that the topics discussed in relevant executive sessions by the Klamath Irrigation District
5 Board of Directors violated the executive session provisions of Oregon Public Meetings
6 law.

7
8 A review of information indicates that Mr. Cacka attended meetings at which the Klamath
9 Irrigation District Board of Directors discussed topics not permitted by the executive
10 session provisions of ORS 192.660 as follows:

- 11
12 1) On 2/9/16, the Board held an executive session described as being held under
13 ORS 192.660(2)(d), "to discuss labor negotiations." During the executive
14 session, two district employees were placed on administrative leave;
15 2) On 3/10/16, the Board held an executive session described as being held

1 pursuant to ORS 192.660(2)(d) "to discuss legal matters." During the executive
2 session, the Board discussed developments in the KHSA/KBRA negotiations,
3 including a letter from attorney Nathan Rietmann to other parties to the KHSA;
4 3) On 4/19/16, the Board held an executive session described as being held
5 pursuant to ORS 192.660(2)(a) to conduct interviews of and discuss potential
6 candidates for the position of District Manager. These discussions included
7 discussion of who would make the job offer to the top candidate and the salary
8 range they wished to offer. During the executive session, Mr. Cheyne, the
9 President of the Board, stated that the executive session was being changed
10 to ORS 192.660(2)(a)(f). The Board then discussed how the hiring of attorney
11 Lawrence Kogan had taken place, namely the contract that was signed
12 between the Board and Mr. Kogan.
13

14 There is sufficient evidence to indicate that Brent Cheyne participated as a Board member
15 in four (4) executive sessions held in February, March and April of 2016 by the Klamath
16 Irrigation District Board of Directors and that in each of these executive sessions a topic
17 was discussed which was not authorized under ORS 192.660(2).
18

19 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
20 issues addressed herein:
21

22 **192.660 Executive sessions permitted on certain matters; procedures; news**
23 **media representatives' attendance; limits.**

24 (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body
25 from holding executive session during a regular, special or emergency meeting,
26 after the presiding officer has identified the authorization under ORS 192.610 to
27 192.690 for holding the executive session.

28 (2) The governing body of a public body may hold an executive session:

29 (a) To consider the employment of a public officer, employee, staff member
30 or individual agent...

1 (b) To consider the dismissal or disciplining of, or to hear complaints or
2 charges brought against, a public officer, employee, staff member or
3 individual agent who does not request an open hearing...

4 (d) To conduct deliberations with persons designated by the governing body
5 to carry on labor negotiations...

6 (f) To consider information or records that are exempt by law from public
7 inspection...

8 (h) To consult with counsel concerning the legal rights and duties of a public
9 body with regard to current litigation or litigation likely to be filed.

10 (i) To review and evaluate the employment-related performance of the chief
11 executive officer of any public body, a public officer, employee or staff
12 member who does not request an open hearing...

13 (3) Labor negotiations shall be conducted in open meetings unless negotiators for
14 both sides request that negotiations be conducted in executive session. Labor
15 negotiations conducted in executive session are not subject to the notification
16 requirements of ORS 192.640.

17 (4) Representatives of the news media shall be allowed to attend executive
18 sessions other than those held under subsection (2)(d) of this section relating to
19 labor negotiations or executive session held pursuant to ORS 332.061 (2) but the
20 governing body may require that specified information be undisclosed.

21 (5) When a governing body convenes an executive session under subsection
22 (2)(h) of this section relating to conferring with counsel on current litigation or
23 litigation likely to be filed, the governing body shall bar any member of the news
24 media from attending the executive session if the member of the news media is a
25 party to the litigation or is an employee, agent or contractor of a news media
26 organization that is a party to the litigation.

27 (6) No executive session may be held for the purpose of taking any final action or
28 making any final decision.

29 (7) The exception granted by subsection (2)(a) of this section does not apply to:

30 (a) The filling of a vacancy in an elective office.

1 (b) The filling of a vacancy on any public committee, commission or other
2 advisory group.

3 (c) The consideration of general employment policies.

4 (d) The employment of the chief executive officer, other public officers,
5 employees and staff members of a public body unless:

6 (A) The public body has advertised the vacancy;

7 (B) The public body has adopted regular hiring procedures;

8 (C) In the case of an officer, the public has had the opportunity to
9 comment on the employment of the officer; and

10 (D) In the case of a chief executive officer, the governing body has
11 adopted hiring standards, criteria and policy directives in meetings
12 open to the public in which the public has had the opportunity to
13 comment on the standards, criteria and policy directives.

14 (8) A governing body may not use an executive session for purposes of evaluating
15 a chief executive officer or other officer, employee or staff member to conduct a
16 general evaluation of an agency goal, objective or operation or any directive to
17 personnel concerning agency goals, objectives, operations or programs.

18
19 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated
20 a preliminary review based on a signed complaint from David Cacka and Greg Carleton,
21 members of the Board of Directors of the Klamath Irrigation District (KID), on 5/9/16. Mr.
22 Cacka and Mr. Carleton alleged that Brent Cheyne, Grant Knoll and Kenneth Smith, as
23 well as the two complainants, may have violated the executive session provisions of ORS
24 192.660 by participating in executive sessions in February, March and April of 2016 at
25 which topics not authorized for executive session were discussed or statutory
26 prerequisites were not met. #PR1. The Commission found cause to investigate on 7/1/16
27 after considering the information developed in the preliminary review. The investigation
28 focused on whether there is enough information to find by a preponderance of the
29 evidence that the five members of the KID Board of Directors violated the executive
30 session provisions of ORS 192.660 at meetings held on 2/9/16, 2/29/16, 3/10/16, and
31 4/19/16. The respondents and complainants have been notified of Commission Actions

1 in this matter. They have been invited to provide any information that would assist the
2 Commission in conducting this investigation.

3
4 After the Commission opened a preliminary review in this matter, three of the
5 respondents, Mr. Cheyne, Mr. Knoll and Mr. Smith responded to the complaint via a letter
6 from their attorney, Rebekah R. Jacobson. Ms. Jacobson also sent another letter during
7 the investigative phase, declining a settlement offer. Her letters will be provided to the
8 Commission in their entirety, but excerpts from both letters are included below after the
9 descriptions of the relevant meetings.

10
11 2/9/16 Executive Session: On 2/9/16, four members of the KID Board of Directors held
12 an executive session. Present at the executive session were Mr. Cheyne, Mr. Knoll, Mr.
13 Smith and Mr. Cacka. According to the minutes of the meeting, Mr. Cheyne, the Board
14 President, announced that the Board of Directors was going into executive session
15 "pursuant to ORS 192.660(2)(d) to discuss labor negotiations." #PR1. The audio
16 recording of the special meeting preceding the executive session is very difficult to
17 understand, with a great deal of background noise, so no additional information about the
18 announcement before the Board entered executive session could be discerned from a
19 review of the recording. #INV2.

20
21 Two staff members of KID were sent letters dated 2/8/16, which were enclosed with the
22 complaint, whose subject was "Notice of Opportunity for Hearing, Possible Dismissal at
23 KID Regular Board Meeting at 10:00am on Thursday, February 18, 2016 at Merrill Civic
24 Center." These letters mention an emergency executive session to consider placing the
25 staff members on non-disciplinary paid administrative leave, but do not provide notice of
26 the time or date of that emergency executive session, nor do they provide the staff
27 members with the opportunity to request an open hearing at that executive session.
28 #PR1. (Such notice would have been required had the Board been considering
29 complaints or charges against the staff members pursuant to ORS 192.660(2)(b).) The
30 letters also describe the reasons why the Board President was asking the Board to
31 dismiss the staff members at the 2/18/16 meeting: the staff members produced and/or

1 authorized payment of annual dues to the Klamath Water Users Association (KWUA),
2 which the Board had at one point voted to leave, although there was some back-and-forth
3 about what the final decision on dues had been. #PR1.
4

5 Upon opening the executive session on 2/9/16, the Board discussed the events that led
6 to the meeting, including the various votes by the Board regarding membership in KWUA.
7 Mr. Cheyne stated that he thought placing the staff members on administrative leave
8 would give everybody "a chance to get the cobwebs out of their mind." The Board briefly
9 discussed who would replace the District Manager while he was on administrative leave
10 and returned to open session. #PR1.
11

12 Ms. Jacobson's responses:

13

14 "There was no violation of ORS 192.660 during the February 9, 2016 Board
15 Meeting as evidenced by the February 8, 2016 notices to the two employees, the
16 posting for this special Board meeting and the minutes of the special board
17 meeting and executive session. The KID Board's general counsel, Bill Ganong,
18 attended every Board meeting referenced in this complaint. KID Board members
19 relied on Mr. Ganong to provide legal advice regarding the appropriateness of a
20 subject for an executive session discussion and which subsection to refer to in the
21 Board meeting posting and when announcing the executive session during the
22 open session. The Board was also receiving legal advice from attorney Nathan
23 Rietmann, who provided a letter of advice outlining the procedure for the February
24 9, 2016 Board Meeting...
25

26

27 In addition, the February 8, 2016 letters to [both employees] provided advance
28 notice of a hearing to consider the employees' termination from employment on
29 February 18, 2016. This notice stated that they had the opportunity to hold this
30 hearing in open session.
31

32

33 The discussion at the February 9, 2016 executive session held pursuant to ORS

1 192.660(2)(b) was whether to place the employees on non-disciplinary paid
2 administrative leave. Chair Cheyne was following the advice of attorney Nathan
3 Rietmann, who advised Chair Cheyne regarding the proper process to consider
4 whether to place employees on non-disciplinary paid administrative leave. Mr.
5 Rietmann did not advise Mr. Cheyne that an open hearing was necessary for this
6 non-disciplinary decision. However, as evidenced by the minutes, both
7 [employees] were provided an opportunity to address the Board regarding their
8 employment during the executive session. Both employees also responded to the
9 February 8, 2016 letter to note their preference for an open or closed hearing.”
10 #PR2.

11
12 “While the February 8, 2016 memos sent to the two affected employees did not
13 explicitly state that they could request an open session for the February 9, 2016
14 [executive session], it did provide the employees advance notice of the executive
15 session, which both employees attended, as documented in the executive session
16 minutes. Also, the executive session minutes reflect a discussion about the reason
17 why the employees are being placed on administrative leave—dissatisfaction with
18 the handling of the payment to the Klamath Water Users Association (KWUA),
19 given the Board’s prior discussions about withdrawing from KWUA. Therefore,
20 there was no discussion of topics outside of the reason for the executive session.”
21 #INV1.

22
23 3/10/16 Executive Session: On 3/10/16, four members of the KID Board of Directors held
24 an executive session. Mr. Cheyne, Mr. Knoll, Mr. Smith and Mr. Cacka attended the
25 executive session. According to the minutes of the meeting, Board President Mr. Cheyne
26 announced that the Board was going into executive session “pursuant to ORS
27 192.660(2)(d) to discuss legal matters.” #PR1. A review of the audio indicates that Mr.
28 Cheyne said, “At this point we’ve got a legal issue to discuss, so pursuant to ORS
29 192.660(2), I am calling this body into executive session.” In the background, someone
30 states that Mr. Cheyne needed to specify the specific subsection and that person read
31 the words of ORS 192.660(2)(h). #INV2.

1
2 Once the executive session was opened, Mr. Cheyne turned the meeting over to Mr.
3 Knoll, who had been attending meetings of the KHSA, to explain what had been
4 happening at the meetings. The Board members also had copies of a letter from Mr.
5 Rietmann, the attorney who was attending the KHSA meetings with Mr. Knoll, to all parties
6 in the KHSA, requesting additional time to review and understand amendments made by
7 primary parties to the KHSA and requesting that all proceedings relating to the
8 amendments be open, transparent and inclusive. #PR1, #INV1. Mr. Knoll explained that
9 Mr. Rietmann, in his letter, was saying that he would like to slow things down because
10 amendments were being added to the KHSA and he was not up to speed. Mr. Knoll
11 expressed that he would like to stay involved and oppose dam removal, to minimize the
12 risk to KID. #PR1.

13
14 Mr. Ganong informed the Board that they were in executive session under the wrong
15 statute. According to the minutes, he said, "This isn't really talking about litigation. This is
16 talking about records that are exempt by law from public disclosure. That's what's referred
17 to as confidential." Mr. Knoll then said, "There is a potential for litigation; we don't know
18 where it's going." #PR1.

19
20 The Board discussed its desire to stay involved in the KHSA process and returned to
21 regular session to make a decision on the matter. #PR1.

22
23 Ms. Jacobson's responses:

24
25 "There is no requirement in ORS 192.660 that the Board announce the specific
26 litigation to be discussed when announcing the subsection allowing the executive
27 session to occur. It is clear that legal advice of Mr. Rietmann related to the Klamath
28 Hydroelectric Settlement Agreement (relating to potential litigation) was discussed
29 at the meeting. KID's legal counsel, Bill Ganong, was present at the meeting and
30 voiced his opinion that ORS 192.660(2)(f) should have been utilized as the
31 appropriate subsection for the meeting, rather than ORS 192.660(2)(h). The topics

1 discussed in this executive session all relate to potential litigation, and Mr. Ganong
2 is correct, the discussion could also have taken place pursuant to ORS
3 192.660(2)(f), as the Board was discussing the advice of counsel. Mr. Cheyne
4 complied with the law by posting the executive session appropriately and providing
5 the public information regarding the topic of the executive session prior to
6 adjourning to executive session. Mr. Cheyne, Mr. Knoll, and Mr. Smith believe the
7 topics discussed related to potential litigation and it was proper to discuss these
8 subjects in executive session." #PR2.

9
10 "Similarly, the Board discussed the advice of attorney Nathan Rietmann at the
11 March 10, 2016 [executive session]. His March 8, 2016 letter, referenced in the
12 meeting, is attached to this letter." #INV1.

13
14 4/19/16 Executive Session: On 4/19/16, the five members of the KID Board of Directors
15 met in executive session. #PR1. The posted notice for the special meeting stated that the
16 Board would be meeting to consider the approval of the contract for interim management
17 services, interview candidates for District Manager's position, and "pursuant to ORS
18 192.660 (f) to consider information or records that are exempt by law from public
19 inspection." The notice then stated, "In accordance with ORS 192.660(2) (a) (f) an
20 Executive Session is permitted." #PR2.

21
22 The minutes of the executive session state that Board President Mr. Cheyne called the
23 meeting to order "to interview candidates for the District Manager under ORS
24 192.660(2)(a)." #PR1. A review of the audio recording of the public meeting preceding
25 the executive session indicates that Mr. Cheyne opened the public meeting by reading
26 the announcement described above nearly word-for-word. The Board chatted about
27 timeline for a new district manager for approximately 15 minutes until the first interview
28 began. There was no separate announcement made to differentiate the public meeting
29 from the executive session. #INV2.

30
31 The Board interviewed three candidates, then took a break and returned to the executive

1 session. According to the minutes, they announced the same provision, ORS
2 192.660(2)(a), to conduct one final interview. #PR1. Following the interviews, the Board
3 discussed the qualifications of the candidates, made a choice of the first and second
4 candidates based on tallying rankings, and discussed salary range. Members of the
5 Board then expressed their thoughts on whether the current staffing level was sufficient
6 for the needs of KID. #PR1.

7

8 Mr. Cheyne then announced that the Board would be changing the executive session to
9 ORS 192.660(2)(a)(f). Mr. Cacka asked several questions about the contract with
10 attorney Lawrence Kogan. He asked whether there was public review of the contract; Mr.
11 Carleton said no. He asked whether the contract with Lawrence Kogan had been voted
12 on; Mr. Carleton said no. He asked if it had been signed; Mr. Cheyne said yes. #PR1.

13

14 Mr. Cacka then asked when Mr. Kogan was retained to represent KID in the KHSA
15 process, since he understood that Mr. Kogan was hired to assist in negotiations of the C-
16 Flume. Mr. Kogan said that both were brought up at the same time, which is why they are
17 both in the engagement agreement, and he was available for the KHSA meetings at a
18 time when Mr. Rietmann was not. The Board discussed whether the document signed by
19 Mr. Kogan and Mr. Cheyne concerning Mr. Kogan's services was a contract or an
20 agreement for provision of services, with some disagreement on whether it should be
21 available for public review. #PR1.

22

23 The Board then discussed a privacy and confidentiality policy that had been circulated via
24 email by Mr. Kogan. Mr. Kogan stated that he believed the policy was necessary because
25 the Bureau of Reclamation had sought meetings with KID management, staff and Board
26 members, and he was invoking attorney-client privilege against the government agency.
27 It was a temporary measure until the Board decided what the policy should be. The Board
28 went on to discuss a letter sent by Mr. Kogan regarding the KHSA and a letter sent by
29 Mr. Kogan barring two individuals from speaking with KID Board members and
30 management. #PR1.

31

1 Mr. Cacka expressed his concern that the Board agreed to hire Mr. Kogan to oversee the
2 C-Flume contract, but that the letter of engagement was much broader than that, and that
3 the Board never discussed or voted on that scope. He asked whether Mr. Rietmann was
4 general counsel; Mr. Cheyne said that is how he understands it. There was discussion of
5 when and how this decision was made, followed by discussion of whether messages left
6 for Mr. Cheyne were being ignored. #PR1.

7
8 Ms. Jacobson's responses:

9
10 "While it does not appear from the minutes that Chair Cheyne announced both
11 subsections when entering into the executive session, the public was certainly
12 informed of the purpose of the executive session and that it would be held pursuant
13 to both subsections pursuant to the meeting posting. The minutes demonstrate
14 that Chair Cheyne then announced the transition to the portion of the meeting held
15 pursuant to ORS 192.660(2)(f); there were no members of the public in attendance
16 at any point during the meeting." #PR2.

17
18 "The minutes of the executive session reflect that the April 19, 2016 meeting was
19 held to interview candidates and to discuss the legal advice of Mr. Kogan, who was
20 present. There is an explicit reference to legal advice provided in an email from
21 Kogan to the Board on March 24th as well as Kogan's engagement letter, in the
22 executive session minutes which was the topic of the executive session. The Board
23 did not discuss any topics outside of these two topics authorized by ORS
24 192.660(2)(a) and (f), with the exception of the discussion on compensation."
25 #INV1.

26
27 **CONCLUSIONS:** David Cacka was a member of the Board of Directors for the Klamath
28 Irrigation District (KID) during the period relevant to this preliminary review. Under the
29 definitions in ORS 192.610, KID is a public body, and the Board of Directors is its
30 governing body. As a Board member, Mr. Cacka is required to comply with the executive
31 session provisions of Oregon public meetings law pursuant to ORS 192.660.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

An executive session is a meeting or a part of a meeting of a governing body that is closed to certain persons for deliberation on certain matters. ORS 192.610(2). ORS 192.660 allows a governing body to hold an executive session to discuss specific topics once certain conditions and prerequisites are met. Per ORS 192.660(1), the governing body of a public body may hold an executive session during a regular, special or emergency meeting, "after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session."

During the meeting on 2/9/16, the Board announced that they were going into executive session under ORS 192.660(2)(d), which permits a governing body to hold an executive session "to conduct deliberations with persons designated by the governing body to carry on labor negotiations." Rather than conducting labor negotiations, the Board discussed personnel issues and their concerns about specific employees, which is not a topic permitted by ORS 192.660(2)(d). Even if the Board had more accurately entered executive session under ORS 192.660(2)(b), "to consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing," the Board did not meet the prerequisite for holding an executive session under that subsection, because the employees were not given an opportunity to request an open hearing instead of the executive session.

During the meeting on 3/10/16, the Board announced that they were going into executive session "pursuant to ORS 192.660(2)(d) to discuss legal matters." ORS 192.660(2)(d) relates to labor negotiations. There is no provision of ORS 192.660(2) that permits general discussion of "legal matters." ORS 192.660(2)(h) permits a governing body to hold an executive session "to consult with legal counsel regarding the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed." At this executive session, rather than consulting with counsel regarding current litigation or litigation likely to be filed, the Board members discussed with one another slowing down and staying involved in the KHSA process to minimize the risk to KID, and a letter from

1 an attorney that was not addressed to the Board but to KHSA parties. The KID attorney,
2 Mr. Ganong, cautioned the Board that the discussion was not about litigation but about
3 records exempt from public inspection, which was not the subsection under which the
4 Board had entered the executive session. Even if the Board had entered executive
5 session under the proper subsection, it is not clear that this document was actually a
6 record that would be exempt from public inspection, because it was not a letter written to
7 the Board by their attorney, but a letter written to other parties to the KHSA.

8
9 At the final executive session, on 4/19/16, the Board announced that they were going into
10 executive session "to interview candidates for the District Manager under ORS
11 192.660(2)(a)." Without breaking executive session, they later changed the executive
12 session to ORS 192.660(2)(a)(f), without describing what was meant by this, although the
13 posted notice included the phrase "to consider information or records that are exempt by
14 law from public inspection." #PR2. During this executive session, the Board discussed
15 various topics not permitted by ORS 192.660(2)(a) or (f), including: salary for the District
16 Manager, satisfaction with current staff, the scope of the contract with Mr. Kogan and why
17 it was not available for public review, the decision-making process regarding retaining Mr.
18 Kogan and Mr. Rietmann, and an apparent temporary privacy and confidentiality policy
19 that had been emailed to members of the Board. #PR1.

20
21 It appears by a preponderance of the evidence that David Cacka violated the executive
22 session provisions of ORS 192.660 when he participated in executive sessions on 2/9/16,
23 3/10/16 and 4/19/16.

24
25 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should make a
26 preliminary finding that Klamath Irrigation District Board Member David Cacka violated
27 the executive session provisions of ORS 192.660 when he participated as a member of
28 a governing body in executive sessions on 2/9/16, 3/10/16 and 4/19/16 at which topics
29 not authorized for executive session were discussed and/or the prerequisites for holding
30 an executive session were not met.

1 ASSOCIATED DOCUMENTS:


2 #PR1 Complaint signed by David Cacka and Greg Carleton and other material,
3 received 05/09/16.

4 #PR2 Response from Rebekah Jacobson, representing Brent Cheyne, Grant
5 Knoll and Kenneth Smith, received in OGEC office on 05/31/16.

6 #INV1 Letter from Rebekah Jacobson on behalf of Brent Cheyne, Grant Knoll and
7 Kenneth Smith, receive in OGEC office on 11/16/16.

8 #INV2 Flash drive containing audio recordings of 2/9/16, 2/29/16, 3/10/16 and
9 4/19/16 public meetings and executive sessions.

10
11
PREPARED BY

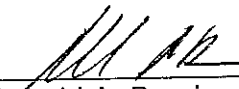


Marie Schreffers
Investigator

3/2/17

Date

APPROVED BY

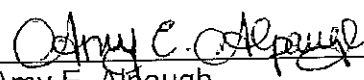


Ronald A. Bersin
Executive Director

3/2/17

Date

REVIEWED BY



Amy E. Alpaugh
Assistant Attorney General

3/2/17

Date

OREGON GOVERNMENT ETHICS COMMISSION

INVESTIGATION

CASE NO: 16-127XMS

DATE: March 2, 2017

RESPONDENT: CARLETON, Greg, Member of Klamath Irrigation District Board of Directors

COMPLAINANT: CARLETON, Greg; CACKA, David

RECOMMENDED ACTION: Make a Preliminary Finding of Two (2) Violations of ORS 192.660(2)

1 **SYNOPSIS:** Greg Carleton served as a member of the Klamath Irrigation District Board
2 of Directors and participated in executive sessions relevant to this investigation. The focus
3 of this investigation was to determine if there was a preponderance of evidence to indicate
4 that the topics discussed in relevant executive sessions by the Klamath Irrigation District
5 Board of Directors violated the executive session provisions of Oregon Public Meetings
6 law.

7

8 A review of information indicates that the Klamath Irrigation District Board of Directors
9 discussed topics not permitted by the executive session provisions of ORS 192.660 as
10 follows:

11

12 1) On 2/9/16, the Board held an executive session described as being held under
13 ORS 192.660(2)(d), "to discuss labor negotiations." During the executive
14 session, two district employees were placed on administrative leave;

15 2) On 2/29/16, the Board held an executive session described as being held

1 pursuant to ORS 192.660(2) "to discuss legal matters." During the executive
2 session, the Board discussed retaining two attorneys as specialized counsel to
3 represent the District in negotiations of a loan and repayment contract and the
4 Klamath Hydroelectric Settlement Agreement/Klamath Basin Restoration
5 Agreement (KHTSA/KBRA), as well as ramifications if the contract was not
6 approved in the upcoming election;

7 3) On 3/10/16, the Board held an executive session described as being held
8 pursuant to ORS 192.660(2)(d) "to discuss legal matters." During the executive
9 session, the Board discussed developments in the KHTSA/KBRA negotiations,
10 including a letter from attorney Nathan Rietmann to other parties to the KHTSA;

11 4) On 4/19/16, the Board held an executive session described as being held
12 pursuant to ORS 192.660(2)(a) to conduct interviews of and discuss potential
13 candidates for the position of District Manager. These discussions included
14 discussion of who would make the job offer to the top candidate and the salary
15 range they wished to offer. During the executive session, Mr. Cheyne, the
16 President of the Board, stated that the executive session was being changed
17 to ORS 192.660(2)(a)(f). The Board then discussed how the hiring of attorney
18 Lawrence Kogan had taken place, namely the contract that was signed
19 between the Board and Mr. Kogan.

20
21 There is sufficient evidence to indicate that Brent Cheyne participated as a Board member
22 in four (4) executive sessions held in February, March and April of 2016 by the Klamath
23 Irrigation District Board of Directors and that in each of these executive sessions a topic
24 was discussed which was not authorized under ORS 192.660(2).

25
26 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
27 issues addressed herein:

28
29 **192.660 Executive sessions permitted on certain matters; procedures; news**
30 **media representatives' attendance; limits.**

1 (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body
2 from holding executive session during a regular, special or emergency meeting,
3 after the presiding officer has identified the authorization under ORS 192.610 to
4 192.690 for holding the executive session.

5 (2) The governing body of a public body may hold an executive session:

6 (a) To consider the employment of a public officer, employee, staff member
7 or individual agent...

8 (b) To consider the dismissal or disciplining of, or to hear complaints or
9 charges brought against, a public officer, employee, staff member or
10 individual agent who does not request an open hearing...

11 (d) To conduct deliberations with persons designated by the governing body
12 to carry on labor negotiations...

13 (f) To consider information or records that are exempt by law from public
14 inspection...

15 (h) To consult with counsel concerning the legal rights and duties of a public
16 body with regard to current litigation or litigation likely to be filed.

17 (i) To review and evaluate the employment-related performance of the chief
18 executive officer of any public body, a public officer, employee or staff
19 member who does not request an open hearing...

20 (3) Labor negotiations shall be conducted in open meetings unless negotiators for
21 both sides request that negotiations be conducted in executive session. Labor
22 negotiations conducted in executive session are not subject to the notification
23 requirements of ORS 192.640.

24 (4) Representatives of the news media shall be allowed to attend executive
25 sessions other than those held under subsection (2)(d) of this section relating to
26 labor negotiations or executive session held pursuant to ORS 332.061 (2) but the
27 governing body may require that specified information be undisclosed.

28 (5) When a governing body convenes an executive session under subsection
29 (2)(h) of this section relating to conferring with counsel on current litigation or
30 litigation likely to be filed, the governing body shall bar any member of the news
31 media from attending the executive session if the member of the news media is a

1 party to the litigation or is an employee, agent or contractor of a news media
2 organization that is a party to the litigation.

3 (6) No executive session may be held for the purpose of taking any final action or
4 making any final decision.

5 (7) The exception granted by subsection (2)(a) of this section does not apply to:

6 (a) The filling of a vacancy in an elective office.

7 (b) The filling of a vacancy on any public committee, commission or other
8 advisory group.

9 (c) The consideration of general employment policies.

10 (d) The employment of the chief executive officer, other public officers,
11 employees and staff members of a public body unless:

12 (A) The public body has advertised the vacancy;

13 (B) The public body has adopted regular hiring procedures;

14 (C) In the case of an officer, the public has had the opportunity to
15 comment on the employment of the officer; and

16 (D) In the case of a chief executive officer, the governing body has
17 adopted hiring standards, criteria and policy directives in meetings
18 open to the public in which the public has had the opportunity to
19 comment on the standards, criteria and policy directives.

20 (8) A governing body may not use an executive session for purposes of evaluating
21 a chief executive officer or other officer, employee or staff member to conduct a
22 general evaluation of an agency goal, objective or operation or any directive to
23 personnel concerning agency goals, objectives, operations or programs.

24
25 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated
26 a preliminary review based on a signed complaint from David Cacka and Greg Carleton,
27 members of the Board of Directors of the Klamath Irrigation District (KID), on 5/9/16. Mr.
28 Cacka and Mr. Carleton alleged that Brent Cheyne, Grant Knoll and Kenneth Smith, as
29 well as the two complainants, may have violated the executive session provisions of ORS
30 192.660 by participating in executive sessions in February, March and April of 2016 at
31 which topics not authorized for executive session were discussed or statutory

1 prerequisites were not met. #PR1. The Commission found cause to investigate on 7/1/16
2 after considering the information developed in the preliminary review. The investigation
3 focused on whether there is enough information to find by a preponderance of the
4 evidence that the five members of the KID Board of Directors violated the executive
5 session provisions of ORS 192.660 at meetings held on 2/9/16, 2/29/16, 3/10/16, and
6 4/19/16. The respondents and complainants have been notified of Commission Actions
7 in this matter. They have been invited to provide any information that would assist the
8 Commission in conducting this investigation.

9
10 After the Commission opened a preliminary review in this matter, three of the
11 respondents, Mr. Cheyne, Mr. Knoll and Mr. Smith responded to the complaint via a letter
12 from their attorney, Rebekah R. Jacobson. Ms. Jacobson also sent another letter during
13 the investigative phase, declining a settlement offer. Her letters will be provided to the
14 Commission in their entirety, but excerpts from both letters are included below after the
15 descriptions of the relevant meetings.

16
17 2/29/16 Executive Session: On 2/29/16, four member of the KID Board of Directors held
18 an executive session. Mr. Cheyne, Mr. Knoll, Mr. Smith and Mr. Carleton attended the
19 executive session. According to the minutes of the meeting, Mr. Cheyne announced that
20 the Board of Directors was going into executive session "pursuant to ORS 192.660(2) to
21 discuss legal matters." #PR1. The complaint explains that attorney William Ganong, who
22 was present at the meeting, had resigned as counsel for KID, but attended the meeting
23 because the Board had not yet retained new counsel. #PR1. On the audio recording, an
24 announcement is made that the Board is going into executive session pursuant to ORS
25 192.660(2). A member of the audience asked why the Board was going into executive
26 session, and someone, apparently Mr. Cheyne, said that it was "to talk about some legal
27 issues regarding the C-Flume." The audience then asked about the timing of an election
28 to approve a contract related to the C-Flume project. #INV2.

29
30 During the executive session, Mr. Cheyne explained that he wanted to get some second
31 opinions on legal matters involving the Bureau of Reclamation (Bureau) and the C-Flume,

1 and he "had an opportunity to visit with Larry Kogan, a D.C. attorney who does a lot of
2 this stuff." He reported on his conversation with Mr. Kogan, including that Mr. Kogan had
3 previously successfully argued that damage was caused to a similar flume by a railroad,
4 and stated that he believed that KID needed a "heavy hitter lined up" for meetings with
5 the Bureau. In a recent meeting with the Bureau he felt the Bureau was very pushy. He
6 then explained that they needed to get a new attorney on board quickly, in time for Mr.
7 Ganong to get the new attorney up to speed. #PR1.

8
9 The Board went on to discuss the ramifications if the proposed contract for the C-Flume
10 project failed to be approved in the upcoming election, including the possibility of the need
11 to cut flows past the point that would keep everyone whole, an upcoming inspection and
12 evaluation, and possible changes to prices. Mr. Cheyne expressed the need for
13 specialized help on these matters as well as for options for alternate funding for a pipeline
14 if the district voted down the proposed contract, such as KID selling bonds. #PR1.

15
16 Mr. Knoll described the Klamath Hydroelectric Settlement Agreement (KHTSA) meetings
17 he had been attending regarding potential removal of the dam. He expressed the need to
18 have legal representation at the meetings. Mr. Ganong "cautioned that the board needs
19 to be careful because the executive session exception is for pending or threatened
20 litigation. He said I think that you can make a pretty good argument that if the election
21 fails or whatever, there could be some threat of pending litigation at this point in time. But
22 now you are headed off that subject quite a ways so you've got to be careful that you
23 don't violate the public meetings laws." #PR1. The Board members then continued to
24 discuss the need for a legal advisor to be present at the meetings Mr. Knoll was attending.
25 Mr. Knoll was concerned about a confidentiality agreement that he was asked to sign at
26 the last meeting. He suggested that they engage an attorney and cut him loose later.
27 #PR1.

28
29 Mr. Cheyne expressed concerns about rate payers paying for demolition of the dam. After
30 a brief discussion of costs being passed on to rate payers, Mr. Ganong again warned the
31 Board members that "none of this discussion is under the executive session, just be

1 careful, that's all I'm saying." #PR1. The Board members discussed retaining attorney
2 Nathan Rietmann, out of Salem, to attend meetings with Mr. Knoll, beginning the next
3 day. Mr. Carleton stated his concerns that he was just now hearing about this idea and
4 had to make a decision immediately, because he had not received the explanatory emails.
5 Mr. Cheyne suggested that they return to regular session and vote on two matters: one
6 concerning specialized help from Mr. Kogan, and one concerning reinforcement for Mr.
7 Knoll as he attended the meetings. #PR1.

8
9 During the regular meeting following the executive session, the Board voted to engage
10 Lawrence Kogan to oversee the C-Flume contract issues, and to retain Nathan Rietmann
11 to attend the KHSA meeting the next day. #PR1.

12
13 Ms. Jacobson's responses:

14
15 "Mr. Ganong was still acting as legal counsel for KID until his resignation in March
16 2016. Mr. Cheyne relied upon Mr. Ganong to provide the proper legal citation for
17 the executive session. It also appears Mr. Ganong reviewed Board minutes as a
18 matter of course to ensure the proper subsection to go into executive session was
19 cited...

20
21 Mr. Cheyne indicated that the Board was going into executive session to discuss
22 legal matters. As is clear from the discussion transcribed in the executive session
23 minutes, the Board was discussing pending or threatened litigation involving KID.
24 The Board also discussed the advice of counsels Nathan Rietmann and Lawrence
25 Kogan. These topics are all permissible pursuant to ORS 192.660(2)(f) and ORS
26 192.660(2)(h). It appears from the minutes that Mr. Cheyne did not note which
27 subsections the Board was utilizing to enter executive session and the legal
28 counsel present, Mr. Ganong, did not correct this error during the meeting. Mr.
29 Cheyne substantially complied with the law by posting the executive session
30 correctly and providing the public information regarding the topic of the executive
31 session during open session prior to adjourning to executive session." #PR2.

1
2 "All topics discussed during the February 29, 2016 executive session related to
3 information that was subject to the attorney-client privilege, and therefore, the
4 Board was properly in executive session pursuant to ORS 192.660(2)(f) and (2)(h).
5 Mr. Kogan's February 28, 2016 engagement letter (attached to the initial
6 complaint) addressed the subject matter discussed in the executive session,
7 including current or potential litigation. The requirement stated in OAR 199-040-
8 0050 that the lawyer who is providing the advice related to current or potential
9 litigation be present in-person or telephonically was not adopted until June 1, 2016,
10 after this executive session took place and cannot serve as a basis for discipline."
11 #INV1.
12

13 4/19/16 Executive Session: On 4/19/16, the five members of the KID Board of Directors
14 met in executive session. #PR1. The posted notice for the special meeting stated that the
15 Board would be meeting to consider the approval of the contract for interim management
16 services, interview candidates for District Manager's position, and "pursuant to ORS
17 192.660 (f) to consider information or records that are exempt by law from public
18 inspection." The notice then stated, "In accordance with ORS 192.660(2) (a) (f) an
19 Executive Session is permitted." #PR2.
20

21 The minutes of the executive session state that Board President Mr. Cheyne called the
22 meeting to order "to interview candidates for the District Manager under ORS
23 192.660(2)(a)." #PR1. A review of the audio recording of the public meeting preceding
24 the executive session indicates that Mr. Cheyne opened the public meeting by reading
25 the announcement described above nearly word-for-word. The Board chatted about
26 timeline for a new district manager for approximately 15 minutes until the first interview
27 began. There was no separate announcement made to differentiate the public meeting
28 from the executive session. #INV2.
29

30 The Board interviewed three candidates, then took a break and returned to the executive
31 session. According to the minutes, they announced the same provision, ORS

1 192.660(2)(a), to conduct one final interview. #PR1. Following the interviews, the Board
2 discussed the qualifications of the candidates, made a choice of the first and second
3 candidates based on tallying rankings, and discussed salary range. Members of the
4 Board then expressed their thoughts on whether the current staffing level was sufficient
5 for the needs of KID. #PR1.

6
7 Mr. Cheyne then announced that the Board would be changing the executive session to
8 ORS 192.660(2)(a)(f). Mr. Cacka asked several questions about the contract with
9 attorney Lawrence Kogan. He asked whether there was public review of the contract; Mr.
10 Carleton said no. He asked whether the contract with Lawrence Kogan had been voted
11 on; Mr. Carleton said no. He asked if it had been signed; Mr. Cheyne said yes. #PR1.

12
13 Mr. Cacka then asked when Mr. Kogan was retained to represent KID in the KHSA
14 process, since he understood that Mr. Kogan was hired to assist in negotiations of the C-
15 Flume. Mr. Kogan said that both were brought up at the same time, which is why they are
16 both in the engagement agreement, and he was available for the KHSA meetings at a
17 time when Mr. Rietmann was not. The Board discussed whether the document signed by
18 Mr. Kogan and Mr. Cheyne concerning Mr. Kogan's services was a contract or an
19 agreement for provision of services, with some disagreement on whether it should be
20 available for public review. #PR1.

21
22 The Board then discussed a privacy and confidentiality policy that had been circulated via
23 email by Mr. Kogan. Mr. Kogan stated that he believed the policy was necessary because
24 the Bureau of Reclamation had sought meetings with KID management, staff and Board
25 members, and he was invoking attorney-client privilege against the government agency.
26 It was a temporary measure until the Board decided what the policy should be. The Board
27 went on to discuss a letter sent by Mr. Kogan regarding the KHSA and a letter sent by
28 Mr. Kogan baring two individuals from speaking with KID Board members and
29 management. #PR1.

30
31 Mr. Cacka expressed his concern that the Board agreed to hire Mr. Kogan to oversee the

1 C-Flume contract, but that the letter of engagement was much broader than that, and that
2 the Board never discussed or voted on that scope. He asked whether Mr. Rietmann was
3 general counsel; Mr. Cheyne said that is how he understands it. There was discussion of
4 when and how this decision was made, followed by discussion of whether messages left
5 for Mr. Cheyne were being ignored. #PR1.

6
7 Ms. Jacobson's responses:

8
9 "While it does not appear from the minutes that Chair Cheyne announced both
10 subsections when entering into the executive session, the public was certainly
11 informed of the purpose of the executive session and that it would be held pursuant
12 to both subsections pursuant to the meeting posting. The minutes demonstrate
13 that Chair Cheyne then announced the transition to the portion of the meeting held
14 pursuant to ORS 192.660(2)(f); there were no members of the public in attendance
15 at any point during the meeting." #PR2.

16
17 "The minutes of the executive session reflect that the April 19, 2016 meeting was
18 held to interview candidates and to discuss the legal advice of Mr. Kogan, who was
19 present. There is an explicit reference to legal advice provided in an email from
20 Kogan to the Board on March 24th as well as Kogan's engagement letter, in the
21 executive session minutes which was the topic of the executive session. The Board
22 did not discuss any topics outside of these two topics authorized by ORS
23 192.660(2)(a) and (f), with the exception of the discussion on compensation."
24 #INV1.

25
26 **CONCLUSIONS:** Greg Carleton was a member of the Board of Directors for the Klamath
27 Irrigation District (KID) during the period relevant to this preliminary review. Under the
28 definitions in ORS 192.610, KID is a public body, and the Board of Directors is its
29 governing body. As a Board member, Mr. Carleton is required to comply with the
30 executive session provisions of Oregon public meetings law pursuant to ORS 192.660.

1 An executive session is a meeting or a part of a meeting of a governing body that is closed
2 to certain persons for deliberation on certain matters. ORS 192.610(2). ORS 192.660
3 allows a governing body to hold an executive session to discuss specific topics once
4 certain conditions and prerequisites are met. Per ORS 192.660(1), the governing body of
5 a public body may hold an executive session during a regular, special or emergency
6 meeting, "after the presiding officer has identified the authorization under ORS 192.610
7 to 192.690 for holding the executive session."
8

9 At the executive session on 2/29/16 the Board announced that they were going into
10 executive session under ORS 192.660(2). The announcement stated that this was "to
11 discuss legal matters." ORS 192.660(2)(h) permits a governing body to hold an executive
12 session "to consult with counsel regarding the legal rights and duties of a public body with
13 regard to current litigation or litigation likely to be filed." The governing body did not limit
14 their discussion to consulting with counsel regarding current litigation or litigation likely to
15 be filed, as their attorney twice cautioned them during the meeting. The litigation they
16 believed they were discussing appears to have been the possibility of litigation if a vote
17 and other methods of fundraising did not pan out, not litigation with any level of
18 imminence. Several other topics not permitted under ORS 192.660(2)(h) were discussed
19 during the meeting, such as: a previous consultation that Mr. Cheyne had with an outside
20 attorney, the water flows needed to keep everyone whole, various methods for funding a
21 pipeline, the negotiations at the KHSA meetings, whether Mr. Knoll should sign a
22 confidentiality agreement concerning KHSA negotiations, whether to have legal
23 representation at the KHSA meetings, and the effect of damn removal on PacifiCorp
24 rates. #PR1.
25

26 At the executive session on 4/19/16 the Board announced that they were going into
27 executive session "to interview candidates for the District Manager under ORS
28 192.660(2)(a)." Without breaking executive session, they later changed the executive
29 session to ORS 192.660(2)(a)(f), without describing what was meant by this, although the
30 posted notice included the phrase "to consider information or records that are exempt by
31 law from public inspection." #PR2. During this executive session, the Board discussed

1 various topics not permitted by ORS 192.660(2)(a) or (f), including: salary for the District
2 Manager, satisfaction with current staff, the scope of the contract with Mr. Kogan and why
3 it was not available for public review, the decision-making process regarding retaining Mr.
4 Kogan and Mr. Rietmann, and an apparent temporary privacy and confidentiality policy
5 that had been emailed to members of the Board. #PR1.

6
7 It appears by a preponderance of the evidence that Greg Carleton violated the executive
8 session provisions of ORS 192.660 when he participated in executive sessions on
9 2/29/16 and 4/19/16.


10
11 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should make a
12 preliminary finding that Klamath Irrigation District Board Member Greg Carleton violated
13 the executive session provisions of ORS 192.660 when he participated as a member of
14 a governing body in executive sessions on 2/29/16 and 4/19/16 at which topics not
15 authorized for executive session were discussed and/or the prerequisites for holding an
16 executive session were not met.

17
18
19

1 **ASSOCIATED DOCUMENTS:**

- 2 #PR1 Complaint signed by David Cacka and Greg Carleton and other material,
3 received 05/09/16.
- 4 #PR2 Response from Rebekah Jacobson, representing Brent Cheyne, Grant
5 Knoll and Kenneth Smith, received in OGEC office on 05/31/16.
- 6 #INV1 Letter from Rebekah Jacobson on behalf of Brent Cheyne, Grant Knoll and
7 Kenneth Smith, receive in OGEC office on 11/16/16.
- 8 #INV2 Flash drive containing audio recordings of 2/9/16, 2/29/16, 3/10/16 and
9 4/19/16 public meetings and executive sessions.
- 10
- 11

PREPARED BY

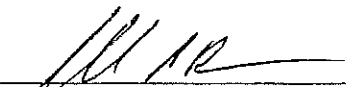


Marie Schepers
Investigator

3/2/17

Date

APPROVED BY

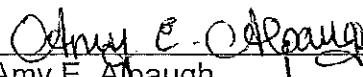


Ronald A. Bersin
Executive Director

3/2/17

Date

REVIEWED BY



Amy E. Alpaugh
Assistant Attorney General

3/2/17

Date

OREGON GOVERNMENT ETHICS COMMISSION

INVESTIGATION

CASE NO: 16-138EMT

DATE: February 23, 2017

RESPONDENT: PHELAN, John, Yamhill County Public Works Director

COMPLAINANT: CRAVER, James

RECOMMENDED ACTION: Make a Preliminary Finding of Violations of ORS 244.040 and ORS 244.120(1)(c)

1 **SYNOPSIS:** John Phelan was the Director of Yamhill County's Public Works Department
2 when the events relevant to this case occurred. The focus of this investigation was to
3 determine if there was a preponderance of evidence to indicate that Mr. Phelan committed
4 violations of the conflict of interest and use of office provisions of ORS Chapter 244.

5
6 There appears to be a preponderance of evidence to indicate that John Phelan, in his
7 official capacity, used County's resources, including the shop facilities, and employee time
8 and labor, to repair his personal vehicle, in violation of ORS 244.040(1). This use of
9 County resources allowed Mr. Phelan to avoid the financial detriment of paying a
10 commercial shop to repair his vehicle, and was only available to him because of the official
11 position he held as Public Works Director.

12
13 Also, Mr. Phelan, in his official capacity, approved payments to his spouse's company,
14 Safe Conduct, LLC, for services the company rendered to Yamhill County's Public Works
15 Department between 7/22/12 and 7/22/16. There appears to be a preponderance of
16 evidence that Mr. Phelan failed to comply with the disclosure and disposition requirements
17 of ORS 244.120(1)(c) on these occasions.

1 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
2 issues addressed herein:

3
4 **244.020 "Definitions.** As used in this chapter, unless the context requires
5 otherwise:

6
7 244.020(1) 'Actual conflict of interest' means any action or any decision or
8 recommendation by a person acting in a capacity as a public official, the effect of
9 which would be to the private pecuniary benefit or detriment of the person or the
10 person's relative or any business with which the person or a relative of the person is
11 associated unless the pecuniary benefit or detriment arises out of circumstances
12 described in subsection (12) of this section."

13
14 244.020(13) "'Potential conflict of interest' means any action or any decision or
15 recommendation by a person acting in a capacity as a public official, the effect of
16 which could be to the private pecuniary benefit or detriment of the person or the
17 person's relative, or a business with which the person or the person's relative is
18 associated."

19
20 244.020 (15) "'Public official' means the First Partner and any person who, when an
21 alleged violation of this chapter occurs, is serving the State of Oregon or any of its
22 political subdivisions or any other public body as defined in ORS 174.109 as an
23 elected official, appointed official, employee or agent, irrespective of whether the
24 person is compensated for the services."

25
26 **244.040 "Prohibited use of official position or office; exceptions; other**
27 **prohibited actions.** (1) Except as provided in subsection (2) of this section, a
28 public official may not use or attempt to use official position or office to obtain
29 financial gain or avoidance of financial detriment for the public official, a relative or
30 member of the household of the public official, or any business with which the public
31 official or a relative or member of the household of the public official is associated, if

1 the financial gain or avoidance of financial detriment would not otherwise be
2 available but for the public official's holding of the official position or office."

3
4 244.040(7) "The provisions of this section apply regardless of whether actual
5 conflicts of interest or potential conflicts of interest are announced or disclosed
6 under ORS 244.120."

7
8 **244.120 "Methods of handling conflicts; Legislative Assembly; judges;
9 appointed officials; other elected officials or members of boards.**

10
11 (1) Except as provided in subsection (2) of this section, when met with an actual or
12 potential conflict of interest, a public official shall."

13
14 (a) "If the public official is a member of the Legislative Assembly, announce
15 publicly, pursuant to the rules of the house of which the public official is a
16 member, the nature of the conflict before taking any official action thereon in
17 the capacity of a public official."

18
19 (b) "If the public official is a judge, remove the judge from the case giving rise
20 to the conflict or advise the parties of the nature of the conflict."

21
22 (c) "If the public official is any other appointed official subject to this chapter,
23 notify in writing the person who appointed the public official to office of the
24 nature of the conflict, and request that the appointing authority dispose of the
25 matter giving rise to the conflict. Upon receipt of the request, the appointing
26 authority shall designate within a reasonable time an alternate to dispose of
27 the matter, or shall direct the official to dispose of the matter in a manner
28 specified by the appointing authority."

29 ///

30 ///

31 ///

1 Shop Supervisor, assisted in some of the work. Mr. Phelan contends that the employees
2 volunteered to do the work, the repair was performed after work hours, and the work was
3 done inside the County shop for comfort, because it was a hot day. (#PR2 and #INV2)
4

5 Information obtained indicates that Mr. Phelan was placed on administrative leave for a few
6 weeks beginning on 7/19/16 while the County conducted an inquiry into this matter. The
7 County Administrator was interviewed during this investigation. When asked if the internal
8 inquiry determined whether the employees were "off the clock" when the repairs took place,
9 the Administrator stated that the employee timesheets were checked and there was no
10 indication that they were "off the clock" when making the repair. As a result of their internal
11 inquiry, the County issued a letter of reprimand to Mr. Phelan and also assessed him
12 \$25.91, which represented a reimbursement to the County for 45 minutes of the hourly
13 mechanic's time. The County Administrator explained that Mr. Phelan was not asked to
14 reimburse any of the salaried employee's time. (#INV1)
15

16 The length of time for the repair and extent of the repair is disputed. During the
17 investigation, the Shop Supervisor was interviewed. He stated that both he and the
18 mechanic were "on the clock" at the time. He said that the total time of the repair was 60-
19 90 minutes, and he said that the A/C unit also needed a part replaced – the low pressure
20 cycling switch. The hourly mechanic was also contacted by phone during this investigation,
21 but did not wish to speak unless he was interviewed in person at work. (#INV2)
22

23 Mr. Phelan's letter to the Commission, which will be provided in its entirety with this report,
24 is excerpted below:
25

26 "...[O]n June 30, 2015, I performed repairs on my personal vehicle on county
27 premises. I was assisted by two County employees who I supervise."
28

29 "The repairs were done after work hours. The employees who assisted me
30 volunteered their time, were not required to be at the County shop, and did not
31 receive pay from the County during the time when they were assisting me. I did not

1 receive pay from the County during the time the repairs were being made.”

2
3 “I had previously diagnosed the problem with my vehicle, knew the part that was
4 needed to make the repair (the air conditioning unit had failed and my wife and I
5 were planning a long car trip for the July 4 holiday), and had purchased it prior to
6 the time we repaired the vehicle. The repair took less than 30 minutes. I had
7 planned to make the repair outside on the public street, but pulled my vehicle inside
8 the County building because it was hot outside, and if we were inside the building,
9 we could all work in the shade.”

10
11 “...I was prepared to complete the repairs myself at my home (I had contacted
12 several auto repair shops in McMinnville earlier in the day, but none of them could
13 repair the vehicle before I was scheduled to leave on my trip), but my co-workers
14 offered to help on their own time....” (#PR2)

15
16 Mr. Phelan was contacted during the investigation and he reiterated that the employees
17 who worked on his private vehicle were “off the clock” at the time, and that he was certain
18 the two employees would testify to that. Despite that, he acknowledged that he reimbursed
19 the County for wages. He also said that the part that he purchased for his A/C unit was
20 around \$50.00. (#INV5)

21
22 During the investigation, Larsen Motor Co. of McMinnville, was contacted to estimate the
23 cost of these repairs. The estimate given for a 2001 Chevy Tahoe was approximately \$200
24 for the A/C recharge (\$140 labor and \$60 for 3 pounds Freon) and approximately \$90 for
25 parts and labor to replace the A/C switch. (#INV3)

26
27 SPOUSE’S COUNTY CONTRACT

28
29 John Phelan’s spouse, Cindy Jackson, owns and operates a drug-testing business named
30 Safe Conduct, LLC. Safe Conduct entered into a contract with the County in 2009, when
31 John Phelan was the Public Works Director. The contract was for drug and alcohol testing

1 for the County's Public Works employees, as required by law for holders of commercial
2 driver licenses. Mr. Phelan and Ms. Jackson were a couple at the time the 2009 contract
3 was awarded, but did not marry until later. (#PR2 and #INV4)

4
5 Information supplied by Mr. Phelan included a copy of the "Letter of Agreement" between
6 Safe Conduct, LLC, and Yamhill County Public Works. This Agreement was signed by Lou
7 Ann Schenk, an Office Administrator, on 6/30/09, on behalf of Yamhill County Public
8 Works and Cindy Jackson, on 7/1/09, on behalf of Safe Conduct, LLC. (#PR2)

9
10 Mr. Phelan addresses the issue of his involvement in the administration of the Safe
11 Conduct contract in his letter to the Commission, which is excerpted below:

12
13 "Due to my relationship with Cindy, I did not participate in the selection of Safe
14 Conduct to provide testing services for the County...."

15
16 "I have not discussed the Safe Conduct contract with anyone, have not advocated
17 to change its terms, and have not suggested it be altered or changed in any
18 manner. I am not responsible for monitoring performance under the agreement, do
19 not see the test results from County workers that I am responsible for, am not
20 responsible for choosing employees for testing (the process is random), and am not
21 responsible for addressing situations where an employee fails a test, that falls under
22 the Human Resources department."

23
24 "The annual payments on the contract between Safe Conduct and the County are
25 approximately \$2,000. Invoices to the Public Works Department are reviewed and
26 approved by my assistant, and presented to me in groups, having been properly
27 coded to budgetary line items. I review the invoices for discrepancies in the amount
28 of the payment. In other words, if an invoice is significantly higher or lower than it
29 has been in the past, I will investigate with my staff to see why the amount of the
30 invoice has changed, and act accordingly. Otherwise, I trust that my staff has
31 reviewed the invoices, ensured that any contractual terms have been followed, and

1 that the amount of the invoice is consistent with the goods or services which have
2 been provided to the County." (#PR2)

3
4 After the complaint was filed in this matter, the County Administrator decided to put the
5 drug and alcohol testing services out for a new public bid. Safe Conduct, LLC, was the
6 sole bidder and the County Administrator negotiated and approved a new contract with
7 Safe Conduct, LLC. Currently, every aspect of the new contract is administered solely by
8 the County's Human Resource Department. John Phelan and the Public Works
9 Department no longer have any involvement in the Safe Conduct contract, including
10 approval of invoices for payment. (#INV1)

11
12 Aside from a verbal notification that Mr. Phelan states he made to the Director of Human
13 Resources in 2009 after Safe Conduct, LLC, was awarded the original County contract, Mr.
14 Phelan has not asserted or provided evidence of any written notifications he made to his
15 appointing authority of the recurring conflicts of interest he faced when approving County
16 payments to his spouse's company. (#PR2, #INV5)

17
18 **CONCLUSIONS:** John Phelan, Director of Yamhill County's Public Works Department, is
19 a public official as defined in ORS 244.020(15), subject to Oregon Government Ethics law.

20
21 ORS 244.040(1) prohibits a public official from using or attempting to use their official
22 position to obtain a financial benefit or avoid a financial detriment for themselves, a relative
23 or household member, or a business with which they or a relative or household member
24 are associated, if the financial benefit would not otherwise be available to them but for
25 holding their official position.

26
27 On 6/30/15, Mr. Phelan used Yamhill County's resources (shop facilities and employee
28 time and labor) to repair his own vehicle, and saved himself the money it would have cost
29 him to have the work done elsewhere. Information indicates that the work on Mr. Phelan's
30 vehicle would have cost approximately \$200 to \$300 at a commercial repair shop.

31 ///

1 The avoidance of this financial detriment would not otherwise have been available to John
2 Phelan had he not been Yamhill County's Public Works Director.

3
4 A statutory conflict of interest issue arises when a public official takes any action in their
5 official capacity, the effect of which would or could be to the private pecuniary benefit of
6 themselves, a relative, or a business with which they or a relative are associated. When
7 met with a statutory conflict of interest, a public official such as Mr. Phelan must notify his
8 appointing authority in writing of the nature of his conflict and request that they dispose of
9 the matter giving rise to the conflict. [ORS 244.020(1) and (13), and ORS 244.120(1)(c)]

10
11 There is no dispute that between 2009 and 2016, Mr. Phelan routinely approved the
12 payments of invoices from his spouse's company, Safe Conduct, LLC, for services
13 rendered to Yamhill County for drug and alcohol testing of the Public Works employees.
14 Mr. Phelan did not make written disclosures to the County of these recurring conflicts of
15 interest. ORS 244.260(10) limits the Commission's jurisdiction to a public official's conduct
16 that occurred within the four years prior to the filing of a complaint. It appears that Mr.
17 Phelan failed to comply with the disclosure and disposition requirements of ORS 244.120
18 on the occasions after 7/22/12 that he authorized payments to his spouse's company, Safe
19 Conduct, LLC.

20
21 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should make a
22 preliminary finding that John Phelan committed violations of ORS 244.040(1) and ORS
23 244.120(1)(c). [Motion 10]

24 ///

25 ///

26 ///

27 ///

28 ///

29 ///

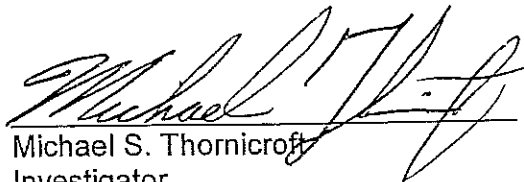
30 ///

31 ///

1 ASSOCIATED DOCUMENTS:

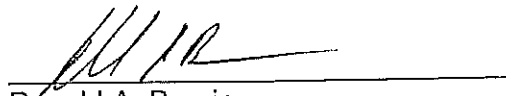
- 2 #PR1 Complaint signed by James Craver, received on 7/22/16.
3 #PR2 Letter and supporting documents received from John Phelan, 8/8/16.
4 #INV1 Investigator's memo re contact with Linda Tschabold, Yamhill County
5 Administrator.
6 #INV2 Investigator's memo re contact with Public Works employees Russ Heath
7 and Dan May.
8 #INV3 Investigator's memo re contact with Larsen Motors Service Department of
9 McMinnville, Oregon.
10 #INV4 Secretary of State's Business Registry records for Safe Conduct, LLC.
11 #INV5 Investigator's memo re contact with John Phelan, Director of Yamhill
12 County's Public Works Department.

PREPARED BY


Michael S. Thornicroft
Investigator

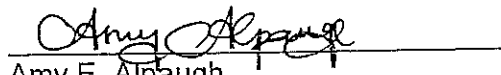
2/24/17
Date

APPROVED BY


Ronald A. Bersin
Executive Director

2/24/17
Date

REVIEWED BY


Amy E. Alpaugh
Assistant Attorney General

2/27/17
Date



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Gail Vansickel, Planning Commissioner
2205 8th St.
Baker City OR 97814

Re: Gail Vansickel
Case No. 17-105SMS

Dear Gail Vansickel:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file an SEI for year 2013 which was due on April 15, 2013.


At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make a preliminary finding of violation of ORS 244.050 based on your failure to file an SEI for the year listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached is a copy of the 2013 SEI form, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Marie Scheffers, marie.scheffers@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,


Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: BAKER CITY

Office: PLANNING COMM

GAIL VANSICKEL
2205 8TH STREET

Received:

BAKER CITY, OR 97814

Penalty:

Comments:

SEI Fail to File for 2013.

No record of filing found.

2/8/17 Letter advising of preliminary violation sent.

Scheduled for 3-10-17 Commission meeting.

2/22/17 Letter returned, non-deliverable, unable to forward.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Jake Pieper, Brookings Council
898 Elk Drive
Brookings OR 97415

Re: Jake Pieper
Case No. 17-106SMS

Dear Mr. Pieper:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file a 2013 SEI which was due on April 15, 2013.


At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make a preliminary finding of violation of ORS 244.050 based on your failure to file an SEI for the year listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached is a copy of the 2013 SEI form, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Marie Scheffers, marie.scheffers@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,


Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: BROOKINGS

Office: COUNCIL

JAKE PIEPER
898 ELK DR

Received:

BROOKINGS, OR 97415

Penalty:

Comments:

SEI Fail to File for 2013.
No record of filing found.
2/8/17 Letter advising of preliminary violation sent.
Scheduled for 3-10-17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Bill Quier, Burns Planning Comm
1022 N Court
Burns OR 97720

Re: Bill Quier
Case No. 17-107SMS

Dear Mr. Quier:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013, 2014 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013, 2014, and 2015 SEIs which were due on April 15 in 2013, 2014, and 2015.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013, 2014 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Marie Scheffers, marie.scheffers@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2015

Type: CI

Jurisdiction: BURNS

Office: PLANNING COMM

BILL QUIER
1022 N COURT

Received:

BURNS, OR 97720

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No record of filing found.
2/8/17 Letter advising of preliminary violation sent.
Scheduled for 3-10-17 Commission meeting.

SEI History

2/2nd/2017

2014

Type: CI

Jurisdiction: BURNS

Office: PLANNING COMM

BILL QUIER
1022 N COURT

Received:

BURNS, OR 97720

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No record of filing found.
2/8/17 Letter advising of preliminary violation sent.
Scheduled for 3-10-17 Commission meeting.

SEI History

2/28/2017

2013

Type: CI

Jurisdiction: BURNS

Office: PLANNING COMM

BILL QUIER
1022 N COURT

Received:

BURNS, OR 97720

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No record of filing found.
2/8/17 Letter advising of preliminary violation sent.
Scheduled for 3-10-17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Jeff Lorton, Carlton Planning Comm
PO Box 981
Carlton OR 97111

Re: Jeff Lorton
Case No. 17-108SMS

Dear Mr. Lorton:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013, 2014 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013, 2014 and 2015 SEIs which were due on April 15 in 2013, 2014, and 2015.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary finding of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013, 2014 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Marie Scheffers, marie.scheffers@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

3/1/2017

2013

Type: CI

Jurisdiction: CARLTON

Office: PLANNING COMM

JEFF LORTON
PO BOX 981

Received:

CARLTON, OR 97111

Penalty:

Comments:

SEI fail to file for 2013. No record of filing found.
2/8/17 Letter advising of possible preliminary violation sent.
Scheduled for 3/10/17 Commission meeting.
2/16/17 Letter return unable to forward, PO Box closed.
2/17/17 Received new PO address from JC and remailed.

SEI History

3/2017

2014

Type: CI

Jurisdiction: CARLTON

Office: PLANNING COMM

JEFF LORTON
PO BOX 981

Received:

CARLTON, OR 97111

Penalty:

Comments:

SEI fail to file for 2014. No record of filing found.
2/8/17 Letter advising of possible preliminary violation sent.
Scheduled for 3/10/17 Commission meeting.
2/16/17 Letter return unable to forward, PO Box closed.
2/17/17 Received new PO address from JC and remailed.

SEI History

3/1/2017

2015

Type: CI

Jurisdiction: CARLTON

Office: PLANNING COMM

JEFF LORTON
PO BOX 981

Received:

CARLTON, OR 97111

Penalty:

Comments:

SEI fail to file for 2015. No record of filing found.
2/8/17 Letter advising of possible preliminary violation sent.
Scheduled for 3/10/17 Commission meeting.
2/16/17 Letter return unable to forward, PO Box closed.
2/17/17 Received new PO address from JC and remailed.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Bobby Walker, Cascade Locks Council
PO Box 491
Cascade Locks OR 97014

Re: Bobby Walker
Case No. 17-109SMS

Dear Bobby Walker:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013, 2014 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013, 2014 and 2015 SEIs which were due on April 15 in 2013, 2014, and 2015.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013, 2014 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Marie Scheffers, marie.scheffers@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: CASCADE LOCKS

Office: COUNCIL

BOBBY WALKER
PO BOX 491

Received:

CASCADE LOCKS, OR 97014

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No record of filing found.
2/8/17 Letter advising of preliminary violation sent.
Scheduled for 3-10-17 Commission meeting.

SEI History

2/17/2017

2014

Type: CI

Jurisdiction: CASCADE LOCKS

Office: COUNCIL

BOBBY WALKER
PO BOX 491

Received:

CASCADE LOCKS, OR 97014

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No record of filing found.
2/8/17 Letter advising of preliminary violation sent.
Scheduled for 3-10-17 Commission meeting.

SEI History

2/28/2017

2015

Type: CI

Jurisdiction: CASCADE LOCKS

Office: COUNCIL

BOBBY WALKER
PO BOX 491

Received:

CASCADE LOCKS, OR 97014

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No record of filing found.
2/8/17 Letter advising of preliminary violation sent.
Scheduled for 3-10-17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Eric Epperson, Gearhart Planning Comm
PO Box 2262
Gearhart OR 97138

Re: Eric Epperson
Case No.17-111SMS

Dear Mr. Epperson:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file a 2013 SEI which was due on April 15 in 2013.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make a preliminary finding of violation of ORS 244.050 based on your failure to file a SEI for the year listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached is a copy of the 2013 SEI form, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Marie Scheffers, marie.scheffers@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: GEARHART

Office: PLANNING COMM

ERIC EPPERSON
PO BOX 2262

Received:

GEARHART, OR 97138

Penalty:

Comments:

SEI Fail to File for 2013.
No record of filing found.
2/8/17 Letter advising of preliminary violation sent.
Scheduled for 3-10-17 Commission meeting.
2/16/17 Returned mail, not deliverable, unable to forward.
2/16/17 Scanned and emailed to JC-provided email address.
2/16/17 JC said he came into money, quit job and disappeared.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Marisa Alvarez, Lowell Council
PO Box 214
Lowell OR 97452

Re: Marisa Alvaraz
Case No.17-112SMS

Dear Ms. Alvaraz:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file a 2013 SEI which was due on April 15 in 2013.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make a preliminary finding of violation of ORS 244.050 based on your failure to file a SEI for the year listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached is a copy of the 2013 SEI form, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Marie Scheffers, marie.scheffers@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: LOWELL

Office: COUNCIL

MARISA ALVAREZ
PO BOX 214

Received:

LOWELL, OR 97452

Penalty:

Comments:

SEI Fail to File for 2013.
No record of filing found.
2/8/17 Letter advising of preliminary violation sent.
Scheduled for 3-10-17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Donalda Hill, Millersburg Planning Comm
2595 NE Millersburg Dr.
Albany OR 97321

Re: Donalda Hill
Case No.17-114SMS

Dear Ms.Hill:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file a 2013 SEI which was due on April 15 in 2013.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make a preliminary finding of violation of ORS 244.050 based on your failure to file a SEI for the year listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached is a copy of the 2013 SEI form, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Marie Scheffers, marie.scheffers@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

Type: CI

Jurisdiction: MILLERSBURG

Office: PLANNING COMM

DONALDA HILL
2595 NE MILLERSBURG DR

Received:

ALBANY, OR 97321

Penalty:

Comments:

7-2013 - duplicate mailed to Ms. Hill at 4676 Commercial St SE, PMB 462, Salem, OR 97302
SEI Fail to File for 2013. No record of filing found.
2/8/2017 Letter advising of preliminary violation sent.
Scheduled for 3/10/17 Commission meeting.
2/16/17 Letter returned-Attempted, not known, unable to forward.
Found a Donalda Hill living in Albany & Jefferson.
Called JC who said she divorced, lived in Millersburg, no address info available.
2/17/17 Emailed JC for more information without any response.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Jake Burrough, Molalla Planning Comm
PO Box 248
Molalla OR 97038

Re: Jake Burrough
Case No. 17-115SDG

Dear Mr. Burrough:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 and 2014 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013 and 2014 SEIs which were due on April 15 in 2013 and 2014.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013 and 2014 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Diane Gould; diane.gould@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: MOLALLA

Office: PLANNING COMM

JAKE BURROUGH
PO BOX 248

Received:

MOLALLA, OR 97038

Penalty:

Comments:

SEI Fail to File for 2013 and 2014
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/ 2017

2014

Type: CI

Jurisdiction: MOLALLA

Office: PLANNING COMM

JAKE BURROUGH
PO BOX 248

Received:

MOLALLA, OR 97038

Penalty:

Comments:

SEI Fail to File for 2013 and 2014
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Angela Hanke, Nehalem Council
9190 Sitka Lane
Nehalem OR 97131

Re: Angela Hanke
Case No. 17-116SDG

Dear Ms. Hanke:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013, 2014 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013, 2014 and 2015 SEIs which were due on April 15 in 2013, 2014, ~~and 2015.~~

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013, 2014 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Diane Gould; diane.gould@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: NEHALEM

Office: COUNCIL

ANGELA HANKE
9190 SITKA LANE

Received:

NEHALEM, OR 97131

Penalty:

Comments:

SEI Fail to File for 2013, 2014, ~~2015~~
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2017

2014

Type: CI

Jurisdiction: NEHALEM

Office: COUNCIL

ANGELA HANKE
9190 SITKA LANE

Received:

NEHALEM, OR 97131

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and ~~2015~~
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

(

(

(



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Ray Corwin, Pilot Rock Council
PO Box 953
Pilot Rock OR 97868

Re: Ray Corwin
Case No. 17-117SDG

Dear Mr. Corwin:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013, 2014 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013, 2014 and 2015 SEIs which were due on April 15 in 2013, 2014, and 2015.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013, 2014 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Diane Gould; diane.gould@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: PILOT ROCK

Office: COUNCIL

RAY CORWIN
PO BOX 953

Received:

PILOT ROCK, OR 97868

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/28/2017

2014

Type: CI

Jurisdiction: PILOT ROCK

Office: COUNCIL

RAY CORWIN
PO BOX 953

Received:

PILOT ROCK, OR 97868

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/28/2017

2015

Type: CI

Jurisdiction: PILOT ROCK

Office: COUNCIL

RAY CORWIN
PO BOX 953

Received:

PILOT ROCK, OR 97868

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Celia Claybourn
96962 N Woodward Creek Ln
Powers OR 97466

Re: Celia Claybourn
Case No.17-118SDG

Dear Ms. Claybourn:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file a 2013 SEI which was due on April 15 in 2013.

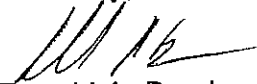
At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make a preliminary finding of violation of ORS 244.050 based on your failure to file a SEI for the year listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached is a copy of the 2013 SEI form, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Diane Gould, diane.gould@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,



Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: POWERS

Office: PLANNING COMM

CELIA CLAYBOURN
PO BOX 479

Received:

POWERS, OR 97466

Penalty:

Comments:

3/21/13-SEI returned as not deliverable

3/28/13 - duplicate SEI emailed to ckc7@yahoo.com

5/9/13 - Notice returned as insufficient address.

Emailed contact 5/13 regarding issue, 5/13 they do not have any other contact information besides PO BOX provided and email address above. EH

5/13/13 - Email sent to above address regarding notice.EH

5/21/13 -penalty accrual letter mailed

6/17/13 -panalties are still accruing letter mailed.

6/25/13 -Jurisdictional Contact emailed requesting assistance.

6/26/13 -Powers contact replied confirmaing she was in the postion on 4/15/13 and that we have current address information.

6/26/13 -email sent to ckc7@yahoo.com informing her of penalties accruing and providing a duplicate 2013 form. Email also requested for 2012 filing as well.

SEI Fail to File for 2013 and 2014

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent

Scheduled for 3/10/17 Commission meeting.

2/22/2017- letter returned undilverable to Woodward Creek address



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Henry Goslin, Prairie City Council
PO Box 708
Prairie City OR 97869

Re: Henry Goslin
Case No. 17-119SDG

Dear Mr. Goslin:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013, 2014 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013, 2014 and 2015 SEIs which were due on April 15 in 2013, 2014, and 2015.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013, 2014 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Diane Gould; diane.gould@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: PRAIRIE CITY

Office: COUNCIL

HENRY GOSLIN
PO BOX 708

Received:

PRAIRIE CITY, OR 97869

Penalty:

Comments:

7/10/13 - duplicate requested to be mailed by viola rose.
SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/2017

2014

Type: CI

Jurisdiction: PRAIRIE CITY

Office: COUNCIL

HENRY GOSLIN
PO BOX 708

Received:

PRAIRIE CITY, OR 97869

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/28/2017

2015

Type: CI

Jurisdiction: PRAIRIE CITY

Office: COUNCIL

HENRY GOSLIN
PO BOX 708

Received:

PRAIRIE CITY, OR 97869

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Viola Rose, Prairie City Council
PO Box 695
Prairie City OR 97869

Re: Viola Rose
Case No. 17-120SDG

Dear Ms. Rose:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013 and 2015 SEIs which were due on April 15 in 2013 and 2015.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Diane Gould; diane.gould@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: PRAIRIE CITY

Office: COUNCIL

VIOLA ROSE
PO BOX 695

Received:

PRAIRIE CITY, OR 97869

Penalty:

Comments:

7/10/13 - duplicate requested be mailed

SEI Fail to File for 2013 and 2015

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent

Scheduled for 3/10/17 Commission meeting.

SEI History

2/8/2017

2015

Type: CI

Jurisdiction: PRAIRIE CITY

Office: COUNCIL

VIOLA ROSE
PO BOX 695

Received:

PRAIRIE CITY, OR 97869

Penalty:

Comments:

SEI Fail to File for 2013 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Erin McRae, Scotts Mills Council
PO Box 394
Scotts Mills OR 97375

Re: Erin McRae
Case No. 17-121SDG

Dear Ms. McRae:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013, 2014 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013, 2014 and 2015 SEIs which were due on April 15 in 2013, 2014, and 2015.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013, 2014 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Diane Gould; diane.gould@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: SCOTTS MILLS

Office: COUNCIL

ERIN MCRAE
PO BOX 394

Received:

SCOTTS MILLS, OR 97375

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/20/2017

2014

Type: CI

Jurisdiction: SCOTTS MILLS

Office: COUNCIL

ERIN MCRAE
PO BOX 394

Received:

SCOTTS MILLS, OR 97375

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent

Scheduled for 3/10/17 Commission meeting.

SEI History

2015

2/28/2017

Type: CI

Jurisdiction: SCOTTS MILLS

Office: COUNCIL

ERIN MCRAE
PO BOX 394

Received:

SCOTTS MILLS, OR 97375

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Katie Munson, Scotts Mills Council
PO Box 818
Scotts Mills OR 97362

Re: Katie Munson
Case No.17-122SDG

Dear Ms.Munson:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file a 2013 SEI which was due on April 15 in 2013.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make a preliminary finding of violation of ORS 244.050 based on your failure to file a SEI for the year listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached is a copy of the 2013 SEI form, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Diane Gould, diane.gould@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2013

2/28/2017

Type: CI

Jurisdiction: SCOTTS MILLS

Office: COUNCIL

KATIE MUNSON
PO BOX 818

Received:

MT ANGEL, OR 97362

Penalty:

Comments:

SEI Fail to File for 2013 No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission
3216 Pringle Rd SE, Ste 220
Salem, OR 97302-1544
Telephone: 503-378-5105
Fax: 503-373-1456
E-mail: ogec.mail@oregon.gov
Web Site: www.oregon.gov/ogec

February 8, 2017

James Copfer, Sherwood Planning Comm
17858 Ballard Ln
Sherwood OR 97140

Re: James Copfer
Case No. 17-123SDG

RECEIVED
FEB 27 2017
OREGON GOVERNMENT
ETHICS COMMISSION

Dear Mr. Copfer:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013 and 2015 SEIs which were due on April 15 in 2013 and 2015.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Diane Gould; diane.gould@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms

SEI History

3/2/2017

2013

Type: CI

Jurisdiction: SHERWOOD

Office: PLANNING COMM

JAMES COPFER
17858 SW BALLARD

Received:

SHERWOOD, OR 97140

Penalty:

Comments:

SEI Fail to File for 2013 and 2015

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

2/27/2017 -Fax received to include 2013, 2014 and 2015 SEI reports

2013 and 2015 SEI reports have missing pages.

2/28/2017 Notified by email to submit complete reports.

SEI History

3/2/2017

2014

Type: CI

Jurisdiction: SHERWOOD

Office: PLANNING COMM

JAMES COPFER
17858 SW BALLARD

Received: 5/2/2014

SHERWOOD, OR 97140

Penalty:

Comments:

5/2/14 - SEI RECEIVED WITH MISSING/INCOMPLETE INFORMATION. LETTER REQUESTING
ADDITIONAL INFORMAITON MAILED WITH 5/29/14 DUE DATE.
2/27/17-Fax received with complete 2014 SEI filing

SEI History

3/2/2017

2015

Type: CI

Jurisdiction: SHERWOOD

Office: PLANNING COMM

JAMES COPFER
17858 SW BALLARD

Received:

SHERWOOD, OR 97140

Penalty:

Comments:

SEI Fail to File for 2013 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.
2/27/2017 -Fax received to include 2013, 2014 and 2015 SEI reports
2013 and 2015 SEI reports have missing pages.
2/28/2017 Notified by email to submit complete reports.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Dean Walker, Talent Planning Comm
245 Meadow Slope Rd
Talent OR 97540

Re: Dean Walker
Case No.17-124SDG

Dear Mr. Walker:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file a 2013 SEI which was due on April 15 in 2013.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make a preliminary finding of violation of ORS 244.050 based on your failure to file a SEI for the year listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached is a copy of the 2013 SEI form, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Diane Gould, diane.gould@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2013

2/28/2017

Type: CI

Jurisdiction: TALENT

Office: PLANNING COMM

DEAN WALKER
245 MEADOW SLOPE RD

Received:

TALENT, OR 97540

Penalty:

Comments:

SEI Fail to File for 2013.
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Michael Dennis, Turner Council
PO Box 420
Turner OR 97392

Re: Michael Dennis
Case No. 17-125SMT

Dear Mr. Dennis:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 and 2014 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013 and 2014 SEIs which were due on April 15 in 2013 and 2014.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013 and 2014 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Michael Thornicroft; Michael.thornicroft@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: TURNER

Office: COUNCIL

MICHAEL DENNIS
PO BOX 420

Received:

TURNER, OR 97392

Penalty:

Comments:

SEI Fail to File for 2013 and 2014
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/17/2017

2014

Type: CI

Jurisdiction: TURNER

Office: COUNCIL

MICHAEL DENNIS
PO BOX 420

Received:

TURNER, OR 97392

Penalty:

Comments:

SEI Fail to File for 2013 and 2014
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

(

(

(



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Mark Kujala, Warrenton Council
PO Box 400
Warrenton OR 97146

Re: Mark Kujala
Case No. 17-126SMT

Dear Mr. Kujala:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013 and 2015 SEIs which were due on April 15 in 2013 and 2015.

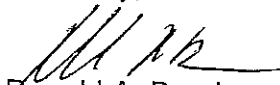
At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Michael Thornicroft; Michael.thornicroft@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,


Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: WARRENTON

Office: COUNCIL

MARK KUJALA
PO BOX 400

Received:

WARRENTON, OR 97146

Penalty:

Comments:

SEI Fail to File for 2013 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/8/2017

2015

Type: CI

Jurisdiction: WARRENTON

Office: MAYOR

MARK KUJALA
PO BOX 400

Received:

WARRENTON, OR 97146

Penalty:

Comments:

SEI Fail to File for 2013 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

(

(

(



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Scott Miller, Wasco Mayor
PO Box 62
Wasco OR 97065

Re: Scott Miller
Case No. 17-127SMT

Dear Mr. Miller:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 and 2014 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013 and 2014 SEIs which were due on April 15 in 2013 and 2014.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013 and 2014 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Michael Thornicroft; Michael.thornicroft@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: WASCO

Office: MAYOR

SCOTT MILLER
PO BOX 62

Received:

WASCO, OR 97065

Penalty:

Comments:

SEI Fail to File for 2013 and 2014
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/2 J17

2014

Type: CI

Jurisdiction: WASCO

Office: MAYOR

SCOTT MILLER
PO BOX 62

Received:

WASCO, OR 97065

Penalty:

Comments:

SEI Fail to File for 2013 and 2014
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

(

(

(



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

David R Lee, Umatilla Co Planning Comm
85192 Edwards Rd
Milton-Freewater OR 97862

Re: David R Lee
Case No. 17-130SMT

Dear Mr. Lee:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013, 2014 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013, 2014 and 2015 SEIs which were due on April 15 in 2013, 2014, and 2015.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013, 2014 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Michael Thornicroft; Michael.thornicroft@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2013

2/28/2017

Type: CO

Jurisdiction: UMATILLA CO

Office: PLANNING COMM

DAVID R LEE
85192 EDWARDS RD

Received:

MILTON-FREEWATER, OR 97862

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2017

2014

Type: CO

Jurisdiction: UMATILLA CO

Office: PLANNING COMM

DAVID R LEE
85192 EDWARDS RD

Received:

MILTON-FREEWATER, OR 97862

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/28/2017

2015

Type: CO

Jurisdiction: UMATILLA CO

Office: PLANNING COMM

DAVID R LEE
85192 EDWARDS RD

Received:

MILTON-FREEWATER, OR 97862

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Don Wysocki, Umatilla Co Planning Comm
151 Alta Ln
Pasco WA 99301

Re: Don Wysocki
Case No. 17-131SMT

Dear Mr. Wysocki:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013, 2014 and 2015 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013, 2014 and 2015 SEIs which were due on April 15 in 2013, 2014, and 2015.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013, 2014 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Michael Thornicroft; Michael.thornicroft@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bersin".

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CO

Jurisdiction: UMATILLA CO

Office: PLANNING COMM

DON WYSOCKI
151 ALTA LN

Received:

PASCO, WA 99301

Penalty:

Comments:

3/18/13 rcvd form back from post office with forwarding address. Updated and remailed 3/19/13. EH
SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/ .2017

2014

Type: CO

Jurisdiction: UMATILLA CO

Office: PLANNING COMM

DON WYSOCKI
803 NW 4TH ST

Received:

PENDLETON, OR 97801

Penalty:

Comments:

3/20/14 Returned mail with corrected address.
SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

SEI History

2/28/2017

2015

Type: CO

Jurisdiction: UMATILLA CO

Office: PLANNING COMM

DON WYSOCKI
803 NW 4TH ST

Received:

PENDLETON, OR 97801

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Mace Cadwell, Union Co Planning Comm
PO Box 429
La Grande OR 97850

Re: Mace Cadwell
Case No. 17-132SMT

Dear Mr. Cadwell:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013, 2014, 2015, and 2016 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013, 2014, 2015, and 2016 SEIs which were due on April 15 in 2013, 2014, 2015, 2016.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013, 2014 and 2015 SEI forms, which we suggest you file before your matter is heard by the Commission. As of 2016, the new Electronic Filing System requires you to file electronically. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Michael Thornicroft; Michael.thornicroft@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director
RAB/ms



SEI History

2/28/2017

2013

Type: CO

Jurisdiction: UNION CO

Office: PLANNING COMM

MACE CADWELL
PO BOX C

Received:

UNION, OR 97883

Penalty:

Comments:

SEI Fail to File for 2013, 2014, 2015 and 2016
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.
2/16/2017- Original letter returned as undeliverable.
2/17/2017- mailed to updated address in EFS

SEI History

2/2017

2014

Type: CO

Jurisdiction: UNION CO

Office: PLANNING COMM

MACE CADWELL
PO BOX 429

Received:

LA GRANDE, OR 97850

Penalty:

Comments:

SEI Fail to File for 2013, 2014, 2015 and 2016
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.
2/16/2017- Original letter returned as undeliverable.
2/17/2017- mailed to updated address in EFS

SEI History

2/28/2017

2015

Type: CO

Jurisdiction: UNION CO

Office: PLANNING COMM

MACE CADWELL
PO BOX 429

Received:

LA GRANDE, OR 97850

Penalty:

Comments:

SEI Fail to File for 2013, 2014, 2015 and 2016
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.
2/16/2017- Original letter returned as undeliverable.
2/17/2017- mailed to updated address in EFS

SEI Activity

2016

I Code: 5181
User Name: mcadwall
Email: mace21@bronsonent.com

2016 Filing: -
2016 Penalty: \$5,000.00

Mace 14, Cadwell
PO Box C
Union, OR 97883

2016 Offices Held

No data to report.

Activity Log - 2016 to Date

07/01/16 10:29:26.427 - User Profile Created - User profile created for Mace Cadwell
07/01/16 10:29:39.470 - User Profile Created - A new user profile was created.
07/01/16 10:29:39.610 - SEI Assigned to Seat - SEI Assigned to Seat
07/11/16 01:30:32.433 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/12/16 01:30:31.863 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/13/16 01:30:26.830 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/14/16 01:30:30.863 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/15/16 01:30:35.963 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/16/16 01:30:30.417 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/17/16 01:30:30.233 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/18/16 01:30:28.030 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/19/16 01:30:30.517 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/20/16 01:30:28.767 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/21/16 01:30:34.383 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/22/16 01:30:33.233 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/23/16 01:30:30.357 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/24/16 01:30:52.680 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/25/16 01:30:31.073 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/26/16 01:30:32.987 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/03/16 01:30:13.243 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/04/16 01:30:14.047 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/05/16 01:30:12.647 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/06/16 01:30:15.280 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/07/16 01:30:17.327 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/08/16 01:30:10.750 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/09/16 01:30:14.993 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/10/16 01:30:14.423 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/11/16 01:30:18.547 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/12/16 01:30:12.980 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/13/16 01:30:12.827 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/14/16 01:30:12.623 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/15/16 01:30:13.540 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/16/16 01:30:13.420 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/17/16 01:30:13.480 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/18/16 01:30:35.240 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/19/16 01:30:13.973 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/20/16 01:30:13.517 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/21/16 01:30:13.020 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/22/16 01:30:14.360 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/23/16 01:30:12.810 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/24/16 01:30:12.500 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/24/16 11:25:01.107 - Admin User Reset Initiated - An admin user reset was initiated.
08/24/16 11:35:49.343 - User Profile Updated - User profile updated for Mace Cadwell
08/24/16 11:35:49.367 - User Profile Updated - The user's main profile was updated.
08/25/16 01:30:12.733 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/26/16 01:30:13.933 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/27/16 01:30:12.247 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/28/16 01:30:12.757 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/29/16 01:30:12.647 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/30/16 01:30:12.933 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/31/16 01:30:15.317 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/01/16 01:30:13.700 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0

SEI Activity

2016

SEI Code: 5181
User Name: mcadwall
Email: mace21@bronsonent.com

2016 Filing: -
2016 Penalty: \$5,000.00

Mace 14,Cadwell
PO Box C
Union, OR 97883

09/02/16 01:30:12.203 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/03/16 01:30:12.727 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/04/16 01:30:13.523 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/05/16 01:30:13.103 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/06/16 01:30:13.863 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/07/16 01:30:14.813 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/08/16 01:30:14.433 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/09/16 01:30:13.960 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/10/16 01:30:12.850 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/11/16 01:30:12.780 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/12/16 01:30:14.333 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/13/16 01:30:15.143 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/14/16 10:23:26.837 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/15/16 01:30:13.757 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/16/16 01:30:14.330 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/17/16 01:30:14.593 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/18/16 01:30:17.137 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/19/16 01:30:13.383 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/20/16 01:30:13.433 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/21/16 01:30:14.707 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/22/16 01:30:17.783 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/23/16 01:30:34.693 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/24/16 01:30:13.433 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/25/16 01:30:35.347 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/26/16 01:30:14.417 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/27/16 01:30:15.363 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/28/16 01:30:12.033 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/29/16 01:30:13.057 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/30/16 01:30:12.467 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/30/16 07:01:44.440 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016
10/05/16 01:30:11.690 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016
10/07/16 01:30:14.737 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016
03/02/17 08:40:10.337 - User Profile Updated - User profile updated for Mace 14,Cadwell
03/02/17 08:40:19.543 - User Profile Updated - The user's main profile was updated.
03/02/17 08:43:43.333 - User Profile Updated - User profile updated for Mace 14,Cadwell
03/02/17 08:43:52.510 - User Profile Updated - The user's main profile was updated.

David H March 2nd, 2017 at 8:43 AM
SEI fail to file for 2013, 2014, 2015 and 2016.

No record of filing found.

2/8/2017 Letter advising of possible finding of preliminary violation sent.

Scheduled for 3/10/17 Commission meeting.

2/16/17- Original letter returned as undeliverable.

2/17/17- Mailed to updated address in EFS.

KathyD October 4nd, 2016 at 3:15 PM

10/4/16 I called and left a VM asking him to call and that I will help him with filing.

KathyD September 9nd, 2016 at 9:14 AM

9/9/16 I mailed a paper form today.

KathyD August 24nd, 2016 at 3:59 PM

7/1/16 Michelle created account as filer had not created for self.

KathyD August 24nd, 2016 at 11:35 AM

8/24/16 I called # on file, non-working. I called County and received a new # and was able to speak with Mace. Hard year, business shut down, has no money. Emails going into spam. I see his account was set up for him due to not opening his own acct. User name is misspelled. I sent him a password reset. I explained the EFS and clarified the filing requirements and the need to file asap. Once filed, I recommended sending in a letter of explanation. He did say he was late filing in the past.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Frank Segarra, Lowell Municipal Judge
142 W 8th Ave.
Eugene OR 97401

Re: Frank Segarra
Case No. 17-113SMS

Dear Judge Segarra:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 and 2014 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013 and 2014 SEIs which were due on April 15 in 2013 and 2014.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013 and 2014 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Marie Scheffers, marie.scheffers@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: LOWELL

Office: MUNICIPAL JUDGE

FRANK SEGARRA
142 W 8TH AVE

Received: 2/23/2017

EUGENE, OR 97401

Penalty:

Comments:

SEI fail to file for 2013.
5/9/13 - duplicate requested
5/9/13 - duplicate emailed to attorneyfranksegarra@gmail.com
SEI Fail to File for 2013
No record of filing found.
2/8/17 Letter advising of preliminary violation sent.
Scheduled for 3-10-17 Commission meeting.
2/23/17 Received 2013 & 2014 completed SEIs.

SEI History

2/23/2017

2014

Type: CI

Jurisdiction: OAKRIDGE

Office: MUNICIPAL JUDGE

FRANK SEGARRA
142W 8TH AVE

Received: 2/23/2017

EUGENE, OR 97401

Penalty:

Comments:

SEI fail to file for 2014.
5/9/13 - duplicate requested
5/9/13 - duplicate emailed to attorneyfranksegarra@gmail.com
2/8/2017 Letter of possible preliminary violation sent.
Scheduled for 3/10/17 Commission meeting.
2/23/17 Received 2013 & 2014 completed SEIs.

SEI History

2/28/2017

2014

Type: CI

Jurisdiction: LOWELL

Office: MUNICIPAL JUDGE

FRANK SEGARRA
142 W 8TH AVE

Received: 2/23/2017

EUGENE, OR 97401

Penalty:

Comments:

SEI fail to file for 2014.
5/9/13 - duplicate requested
5/9/13 - duplicate emailed to attorneyfranksegarra@gmail.com
2/8/2017 Letter of possible preliminary review violation sent.
Scheduled for 3/10/17 Commission meeting.
2/23/17 Received 2013 & 2014 completed SEIs.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Matt Allen, Yoncalla Council
PO Box 278
Yoncalla OR 97499

Re: Matt Allen
Case No.17-129SMT

Dear Mr. Allen:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file a 2013 SEI which was due on April 15 in 2013.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make a preliminary finding of violation of ORS 244.050 based on your failure to file a SEI for the year listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached is a copy of the 2013 SEI form, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Michael Thornicroft; Michael.thornicroft@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: YONCALLA

Office: COUNCIL

MATT ALLEN
PO BOX 278

Received:

YONCALLA, OR 97499

Penalty:

Comments:

SEI Fail to File for 2013

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent

Scheduled for 3/10/17 Commission meeting.

2/16/2017- Original letter returned as undeliverable. Called JC and got new address. Mailed 2/17/2017.

2/27/2017-Received completed hard copy of 2013 SEI filing.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Tim Parks, Enterprise Council
101 E Alder
Enterprise OR 97828

Re: Tim Parks
Case No. 17-110SMS

Dear Mr. Parks:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 and 2014 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file 2013 and 2014 SEIs which were due on April 15 in 2013 and 2014.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make preliminary findings of violation of ORS 244.050 based on your failure to file SEIs for the years listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached are copies of the 2013 and 2014 SEI forms, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Marie Scheffers, marie.scheffers@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: CI

Jurisdiction: ENTERPRISE

Office: COUNCIL

TIM PARKS
101 E ALDER

Received: 2/24/2017

ENTERPRISE, OR 97828

Penalty:

Comments:

SEI Fail to File for 2013, 2014 and 2015

No record of filing found.

2/8/17 Letter advising of preliminary violation sent.

Scheduled for 3-10-17 Commission meeting.

2/21/17 Mr. Parks called and said he was sending completed forms via certified mail but miss the 24th deadline.

2/24/17 Received completed forms for 2013 and 2014.

SEI History

2/28/2017

2014

Type: CI

Jurisdiction: ENTERPRISE

Office: COUNCIL

TIM PARKS
101 E ALDER

Received: 2/24/2017

ENTERPRISE, OR 97828

Penalty:

Comments:

SEI Fail to File for 2013 and 2014

No record of filing found.

2/8/17 Letter advising of preliminary violation sent.

Scheduled for 3-10-17 Commission meeting.

2/21/17 Mr. Parks called and said he was sending completed forms via certified mail but miss the 24th deadline.

2/24/17 Received completed forms for 2013 and 2014.

RECEIVED
FEB 24 2017
OREGON GOVERNMENT
ETHICS COMMISSION

February 21 2017

Oregon Government Ethics Commission
3218 Pringle Rd., SE, Suite 220
Salem, OR 97302-1544

RE: Case No. 17-110MSM

TO WHOM IT MAY CONCERN

I do remember filling out these forms and sending them off in the mail.
I remember going to my file to get my 2011 copy to refer to so I wouldn't
miss anything because the stress of the looming possible fine of up to \$5000
kinda freaked me out. That would wipe me out.

Please consider this as I work 75 to 80 a week just to keep up with payments
and don't see an end for quite some time, this is why I didn't serve on the council
for a second term. I felt I couldn't devote enough time to do a good enough job.

Thank you for your consideration in this matter.


Tim Parks



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Sue Folden, Albany Hospital Fac Authority
873 Scenic Dr NW
Albany OR 97321

Re: Sue Folden
Case No.17-133SMT

Dear Ms. Folden:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file a 2013 SEI which was due on April 15 in 2013.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make a preliminary finding of violation of ORS 244.050 based on your failure to file a SEI for the year listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached is a copy of the 2013 SEI form, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Michael Thornicroft; Michael.thornicroft@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2/28/2017

2013

Type: ST

Jurisdiction: ALBANY

Office: HOSPITAL FACILITY AUTHO

SUE FOLDEN
873 SCENIC DR NW

Received:

ALBANY, OR 97321

Penalty:

Comments:

6/14/13 - NOTIFICATION OF BOARD MEMBERS

6/20/13 - SEI FORM AND OMITTANCE LETTER MAILED WITH DUE DATE OF 7/10/13

7/22/13 - REMINDER LETTER MAILED WITH 8/15/13 DUE DATE

SEI Fail to File for 2013

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent

Scheduled for 3/10/17 Commission meeting.

2/26/2016- received emailed copy of 2013 SEI and letter of explanation

February 26, 2017

Oregon Government Ethics Commission
3218 Pringle Rd SE, Ste 220
Salem, OR 97302-1544

RECEIVED

FEB 26 2017

OREGON GOVERNMENT
ETHICS COMMISSION

Dear Oregon Government Ethics Commission Members:

Enclosed please find a completed 2013 Statement of Economic Interest. I received a letter notifying me that this statement had not yet been filed.

I thought the 2013 filing had been made and I had no reason to believe that it had not been filed in a timely manner. Please waive the penalty in this situation if any would have been assessed. Please note that I have filed all subsequent forms on time, as it is my intent to comply with the law.

Thank you for your consideration,



Susan E. Folden
Budget Committee Member
City of Albany



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 8, 2017

Michael Thomson, Albany Hospital Fac Authority
1291 Elm Street SW
Albany OR 97321

Re: Michael Thomson
Case No.17-134SMT

Dear Mr. Thomson:

Oregon Government Ethics Commission (Commission) records indicate that on April 15, 2013 you held a position for which you were required to file an Annual Verified Statement of Economic Interest (SEI). You did not file a 2013 SEI which was due on April 15 in 2013.

At the Commission meeting on Friday, March 10, 2017 at 9:00 am, the Commission will determine whether or not to make a preliminary finding of violation of ORS 244.050 based on your failure to file a SEI for the year listed above. The Commission has the authority to impose penalties of up to \$5,000 for each late filing of an SEI.

Attached is a copy of the 2013 SEI form, which we suggest you file before your matter is heard by the Commission. You are also invited to provide any additional materials or information that you believe would assist the Commission in making its determination of whether or not to make preliminary findings of violation. We encourage you to submit a letter to the Commission explaining why you did not file your SEI on time. If you wish to submit information, it must be received by the Commission no later than February 24, 2017. If you choose not to provide information, the Commission decision will be based on the information otherwise available to the Commission.

You may attend the Commission meeting on March 10, 2017. Because the proceeding is not a hearing, the Commission will not permit lengthy presentations. With the consent of the Chair, you are permitted to make a brief oral statement. You may wish to review OAR 199-001-0010 to acquaint yourself with the Commission's meeting procedures.

Please contact Michael Thornicroft; Michael.thornicroft@oregon.gov, if you would like clarification concerning Commission procedures.

Sincerely,

Ronald A. Bersin
Executive Director

RAB/ms



SEI History

2013

2/28/2017

Type: ST

Jurisdiction: ALBANY

Office: HOSPITAL FACILITY AUTHO

MICHAEL THOMSON
1291 ELM STREET SW

Received:

ALBANY, OR 97321

Penalty:

Comments:

6/14/13 - NOTIFICATION OF BOARD MEMBERS
6/20/13 - SEI FORM AND OMITTANCE LETTER MAILED
SEI Fail to File for 2013
No Record of Filing Found
2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.
2/17/2017- Fax received with letter of explanation and completed 2013 SEI.
2/22/2017- received hard copy in mail of 2013 SEI

February 17, 2017

Ronald Bersin
Executive Director
Government Ethics Commission
3218 Pringle Rd SE, ste 220
Salem OR 97302

RECEIVED

FEB 17 2017

OREGON GOVERNMENT
ETHICS COMMISSION

Re: Case No. 17-134SMT

Mr. Bersin:

I received notice that you do not have a 2013 SEI from me. This omission was not intentional on my part. Since 2012, I have always signed and returned the SEI filing. I am faxing a copy today.

The body for which I am requested to file, "City of Albany Hospital Facilities Authority" has existed in name only for many years. Not only have no discussions or decisions taken place, the body has not yet met in the 5 years that I've been named to it. I was named to the HFA only to fulfill a requirement that a member of the Budget Committee be appointed.

As my filings have indicated each year, our household owns no property and received no income that could in any way be related to activity of the Authority.

Sincerely,

Michael Thomson

Commissioners
Oregon Government Ethics Commission
3218 Pringle Rd SE, ste 220
Salem OR 97302

Re: Case No. 17-134SMT

I have been advised by the City that a second letter to OGEC is in my best interest.

I thought the 2013 filing had been made, and I had no reason to believe that it had not been filed in a timely manner.

Please waive the penalty in this situation if any would have been assessed. Please note that I have filed all subsequent forms on time, as it is my intent to comply with the law.

Once again, I want to reiterate: this body- the Hospital Facility Authority- has never met. No discussions have ever occurred; subsequently, no decisions have ever been made.

Please see my previous letter to the Oregon Government Ethics Commission for additional information, and do not hesitate to contact me if you have any questions or further concerns.

Sincerely,

Michael Thomson



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

March 10, 2017

Jessica M. Brubaker
Assistant General Counsel
Office of the President
Oregon State University
600 Kerr Administration
Corvallis, Oregon 97331-2128

Dear Ms. Brubaker:

At its March 10, 2017 meeting, the Oregon Government Ethics Commission (OGEC) adopted the following advisory opinion:

OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION
ADVISORY OPINION NO. 17-001A

STATED FACTS: Oregon State University (OSU) is established as a public university in the state of Oregon pursuant to ORS 352.002(2) and maintains a Board of Trustees established under ORS 352.054. Board members are appointed by the Governor, confirmed by the Senate, and must include one voting member who is an enrolled student at OSU, as well as one faculty and one staff person who can be either voting or nonvoting members (ORS 352.076(2)). At present, certain Board members also have relatives (as defined at ORS 244.020(16)) who are enrolled students at OSU.

The OSU Board of Trustees' purpose is to manage University affairs, which includes setting tuition rates and fees.

When setting tuition and fees, the Board considers a number of factors... The Board's consideration of tuition and mandatory enrollment fees will be based on the recommendation of the President, who will... report to the Board the nature and outcomes of consultations with students and others... The President's recommendation will include considerations regarding historical tuition and fee trends, comparative data for peer institutions, the University's budget and projected costs, and anticipated state appropriation levels. (Oregon State University Tuition and Fee Process, Resolution No. 15-01)



OSU's Tuition and Fees Schedules are broad, established categories. Tuition rates are generally assessed by: resident, non-resident, or e-campus; graduate or undergraduate; college of study; and number of credit hours enrolled. Mandatory fees are similarly assessed by matriculation and the number of credit hours a student is enrolled.

Employees of Oregon public universities may also receive tuition and fees discounts as part of their compensation benefits as long as they are appointed to work at least .50 FTE and are not considered temporary or student employees. Eligible OSU faculty and staff may register for a maximum of twelve credit hours per term at a reduced "staff fee rate" under terms that are approved by the Board of Trustees, and on approval of the OSU President. Employees have the option to transfer this benefit to a relative.

The purpose of this inquiry is to determine whether Oregon Government Ethics conflicts of interest arise for members of the OSU Board of Trustees in setting tuition rates and fees, if the Board member or Board member's relative is a current or prospective student at OSU.

QUESTION 1: Would Board members have conflicts of interest when participating in Board matters regarding the setting of generally applicable tuition rates or fees (such as those directly subject to the Tuition and Fees Schedules), if the Board member or Board member's relative is (or might be) a student enrolled at OSU?

ANSWER 1: No. For the purposes of setting tuition rates and fees that are generally applicable to all enrolled students, members of OSU's Board of Trustees (or their relatives) would be affected to the same degree as other students who are similarly situated (see ORS 244.020(14)(b)). As such, they will not have conflicts of interest when participating in Board matters to set tuition rates and fees that financially affect them or their relatives as students.

The members of boards of trustees in Oregon's public universities are "public officials" per ORS 244.020(15) and as such are subject to ORS Chapter 244, Oregon Government Ethics law.

In relevant part, a conflict of interest arises when a public official is confronted with making any action, decision, or recommendation, while working in an official capacity, that "would" (an "actual conflict of interest") or "could" (a "potential conflict of interest") financially affect the public official or a "relative" (as defined at ORS 244.020(16)) (ORS 244.020(1), (13)). More specifically, when, at most, the result of the action, decision, or recommendation could financially impact the public official or a relative—*i.e.*, if resulting financial impact is uncertain—it is a potential conflict of interest (ORS 244.020(13)). When it can be said that the result would have such a financial impact—*i.e.*, if financial benefit or detriment is certain—it is an actual conflict of interest (ORS 244.020(1)).

It follows that conflicts of interest generally arise for any public official who is a member of a governing body responsible for making decisions that will (or might) personally financially affect the public official or a relative of the public official. Likewise a member of the Board of Trustees, who is tasked with setting OSU tuition rates and fees that he or she or a relative will be financially subject to as a student, would generally have conflicts of interest when participating in such matters. ORS 244.120(2) requires conflicted public officials appointed to serve on boards or commissions to publicly announce their conflicts of interest, and additionally refrain from participating in actual conflicts, *unless an exception applies*.

Relevant in this circumstance, ORS 244.020(14)(b) provides an exception to the conflict of interest requirements where the resulting financial impact "would affect to the same degree a class" of persons with "which the person, or the person's relative... is associated..." Here, the stated facts describe a circumstance involving several classes of persons (each tuition and fee category), where the result of any official deliberation or action by the Board of Trustees would affect all enrolled students in that class to the same degree. For example, a Board action to implement a 1% increase in resident undergraduate tuition would affect all resident undergraduates to the same degree (a 1% tuition increase). A \$25 increase in the mandatory matriculation fee would affect all students who matriculate at OSU the same (all must pay \$25 more). In short, it appears that the result of any official Board matters regarding tuition or fee rates would have the same financial impact on a Board member or Board member's relative as all other students who are similarly situated. As a result, members of OSU's Board of Trustees will not have conflicts of interest or be required to follow the requirements under ORS 244.120 in official matters regarding student tuition or fees that may affect the Board member or a relative as a student.

QUESTION 2: Would the two Board members appointed to the staff and faculty positions (as required by ORS 352.076) have conflicts of interest when participating in Board matters regarding the "staff fee rate" discount?

ANSWER 2: No. The conflict of interest class exception discussed in Question 1 appears to apply here as well (see ORS 244.020(14)(b)). As such, staff and faculty Board members will not have conflicts of interest when officially participating in Board matters to determine "staff fee rate" changes that may financially impact them (or their employee benefits package).

As discussed in Question 1 above, ORS 244.020(14)(b) is an exception to the conflict of interest requirements where the resulting financial impact will affect a larger class of persons with which the Board member is associated "to the same degree." Under the current policy on the "staff fee rate" for tuition and fees, the result of any official deliberation or action by the Board of Trustees would affect the compensation benefits of all qualifying OSU staff and faculty to the same degree. As a result, staff and faculty

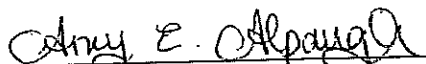
Board members will not have conflicts of interest or be required to follow the requirements under ORS 244.120 in official matters regarding student tuition or fees that may affect them or a relative as a student.

It is also worth specifying that the fact that the "staff fee rate" is a benefit of *employment* with an Oregon public university—independent of Board membership—is key in the application of this exception. In the stated facts, persons are not OSU employees as a result of serving on its Board of Trustees, so Board members are not eligible for the "staff fee rate" as a result of Board service. If, on the other hand, this were a question of expanding the "staff fee rate" policy to include members of the Board of Trustees as recipients of the benefit, or if the Board of Trustees had its own tuition or fee rate discount policy, a different analysis may apply. This is because prior Government Ethics Commission opinions have concluded application of the exception limited to situations where the conflicted public official is determined to be a member of a class *distinct* from the official position (see OGEC Op. 14S-002). In other words, the Commission has never identified a governing body itself to constitute a class for the purposes of ORS 244.020(14)(b), and as it is not a question here, declines to do so in this opinion.

THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO ORS 244.280. A PUBLIC OFFICIAL OR BUSINESS WITH WHICH A PUBLIC OFFICIAL IS ASSOCIATED SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN.

Issued by Order of the Oregon Government Ethics Commission at Salem, Oregon on the 10th day of March 2017.

Daniel T. Golden, Chairperson



Amy E. Alpaugh, Assistant Attorney General

ADDENDUM

RELEVANT STATUTES: The following Oregon Revised Statutes (ORS) are applicable to the issues addressed in this opinion:

244.020 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (13) of this section.

(13) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged.

(15) "Public official" means the First Partner and any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

(16) "Relative" means:

(a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;

- (b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate;
- (c) Any individual for whom the public official or candidate has a legal support obligation;
- (d) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment; or
- (e) Any individual from whom the candidate receives benefits arising from that individual's employment.

244.120 Methods of handling conflicts. (2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

- (a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or
 - (b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:
 - (A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.
 - (B) If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.
- (3) Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.
- (4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so.



Office of the President
Oregon State University, Oregon State University; 600 Kerr Administration, Corvallis, Oregon 97331-2128
Phone 541-737-2472 | Fax 541-737-3033

January 11, 2017

Ronald A. Bersin, Executive Director
Oregon Government Ethics Commission
3218 Pringle Road S.E. Suite 220
Salem, OR 97302

RECEIVED

JAN 17 2017

OREGON GOVERNMENT
ETHICS COMMISSION

Re: Request for Staff Advisory Opinion

Dear Mr. Bersin:

Pursuant to ORS 244.282, Oregon State University ("OSU") requests a Staff Advisory Opinion addressing a question under ORS chapter 244. The question relates to the setting of tuition rates and mandatory fees by members of the OSU Board of Trustees who are enrolled students or have immediate family members that are enrolled students at OSU.

FACTS

OSU is established as a public university in the State of Oregon pursuant to ORS 352.002(2). The Board of Trustees of Oregon State University is established under ORS 352.054 and has as its purpose the management of the affairs of the university. This includes setting tuition rates and fees for the university. Board members are appointed by the Governor and confirmed by the Senate and must include one person, to be a voting member, who is a student enrolled at the university. ORS 352.076(2)(b). At present, certain Board members also have relatives, as that term is defined by ORS 244.020(16), enrolled as students at OSU.

QUESTION

Do Board members who are enrolled OSU students or whose relatives are enrolled OSU students have an actual or potential conflict of interest such that these Board members would be required to provide public disclosure of a conflict of interest and refrain from participation in deliberating and voting on university tuition rates and fees?

PROPOSED ANALYSIS

As explained in detail below, we do not believe there is an actual or potential conflict of interest for these Board members.

In general, a conflict of interest exists if a decision or recommendation made by a person acting in a capacity as a public official would have the effect of a private pecuniary benefit or detriment to the person or the person's relative. (ORS 244.020(1)). However, there are certain exceptions to this general rule, including the following class exception which is applicable to this situation:

Ronald A. Bersin
January 11, 2017
Page 2

Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged. ORS 244.020(13)(b)

Because all OSU students are affected to the same degree by Board of Trustees decisions related to tuition and fees, including student Board members and student relatives of Board members, this situation fits the class exception and no conflict exists. This analysis is consistent with *Oregon Government Standards and Practices Commission Staff Opinion No. 062-112 (May 23, 2006)*, in which your office determined no conflict existed where school board member parents were voting on offering laptops at discounted prices to students because the decision would have the same financial impact on board member's children as it would on all other students in the district.

CONCLUSION

We believe that your concurrence in the above interpretation of Oregon Government Ethics Law would be consistent with the Commission's prior advisory and staff opinions and with the policies and principles expressed by the Legislature in that law.

Thank you for addressing this question.

If you need additional information or have questions or concerns, please contact me at 541-737-2474.

Sincerely,



Jessica M. Brubaker
Assistant General Counsel
Oregon State University

RESOLUTION NO. 15-01



Oregon State University
Tuition and Fee Process

Now, therefore, be it resolved by the Board of Trustees that tuition and fees will be established pursuant to the following process:

Tuition and mandatory enrollment fees are established annually by the Board, generally at the Board's meeting in March prior to the applicable academic year. When setting tuition and fees, the Board considers a number of factors, including the desire to create affordable access to degree programs, create a diverse student body, maintain strong degree programs at every level, and develop and maintain the human and physical infrastructure necessary to support Oregon's educational outcome goals.

The Board's consideration of tuition and mandatory enrollment fees will be based on the recommendation of the President, who will consult with ASOSU, ASCC and enrolled students in developing the recommendation. The President will report to the Board the nature and outcomes of consultations with students and others, including any significant disagreements. The President's recommendation will include considerations regarding historical tuition and fee trends, comparative data for peer institutions, the University's budget and projected costs, and anticipated state appropriation levels.

The Board delegates to the President the consultation with ASOSU and ASCC in their establishment of a process for requesting student incidental fees.

This Resolution is effective January 16, 2015.

APPROVED:

Max Reuss 1/16/2015
Secretary to the Board Date

Holidays and Miscellaneous Privileges

580-022-0025

Academic/Unclassified Employee Holidays

- (1) The following are paid holidays and the university will be closed on these days:
 - a) New Year's Day
 - b) Martin Luther King Jr. Day
 - c) Memorial Day
 - d) Independence Day
 - e) Labor Day
 - f) Veterans Day
 - g) Thanksgiving Day
 - h) Day after Thanksgiving
 - i) Christmas Day

- (2) OSU Floating Holiday (Special Day), to be taken between the day before Thanksgiving through January 31.
 - a) An unclassified employee, employed during the time period in which the OSU Special Day may be used, may request to use this leave with prior approval.
 - b) A full-time unclassified employee (1.0 FTE) will receive eight (8) hours of leave. Unclassified employees at less than full-time will receive a prorated amount of leave based on their appointment FTE.
 - c) Leave cannot be taken in hourly increments, the entire amount of Special Day leave must be taken together.
 - d) Unclassified employees who are unable to be away from their duties to take the additional day of paid leave are permitted to extend the use of the paid leave up to June 30. The employee must coordinate schedules with his/her supervisor to maintain regularly scheduled services

- (3) Any business transaction required or permitted to be performed on a holiday designated by state law may be performed on the next succeeding business day without penalty, even though the institution may be open on the holiday.

- (4) Holidays for academic and unclassified employees shall be:
 - a) those days designated as institution holidays (as described in section (1) and (2) of this policy);
 - b) any additional day designated by the Governor or by the President of the United States, only if also designated by the Governor as a day of mourning, celebration, or other special observance.

- (5) Holidays observed by classified employees are established by the Executive Department or by collective bargaining agreements.

- (6) Unclassified employees (FLSA exempt and non-exempt) who are required to work on a university recognized holiday are to be compensated for hours worked at the rate of time and one-half in the form of pay or compensatory time off at the discretion of their unit.

Effective: November 23, 2015

580-022-0030
Staff Fee Privileges

Employees of the Department of Higher Education may register for courses at special rates subject to the following conditions:

- (1) Graduate teaching and research assistants may register for credit hours during any term of their appointment and during an intervening summer term under the terms and conditions approved by the Board and described in the Academic Year Fee Book. Graduate assistants are students admitted to a graduate degree program and appointed to an assistantship while working toward a graduate degree. Appointment as an assistant may not be for less than .15 FTE for the term of appointment. Institutions may establish minimum and maximum numbers of credit hours for which graduate assistants may register, provided that the president's or designee's approval is required prior to registering for credit hours in excess of 16 in any one term.
- (2) On approval of the president or designee, employees of the Oregon University System, appointed at half-time or more (not including temporary classified employees, graduate assistants, and other student employees), may register for a maximum of twelve hours of credit per term at the staff fee rate under the terms and conditions approved by the Board and described in the Academic Year Fee Book. Chancellor's Office employees must have approval of the Chancellor or designee before registering for courses at the staff fee rate.
- (3) Auditor privileges are accorded to employees under the terms and conditions approved by the Board and described in the Academic Year Fee Book.
- (4) For purposes of this rule, the term "employee" may include persons with full-time courtesy appointments who provide a benefit to the institution in the form of teaching, research, or counseling, under the direction of the institution and using the facilities of the institution.

[Publications: Publications referenced are available from the agency.]

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 8-1979, f. & ef. 8-22-79; HEB 1-1981, f. & ef. 6-4-81; HEB 4-1982, f. & ef. 7-14-82; HEB 10-1986, f. & ef. 7-16-86; HEB 1-1993, f. & cert. ef. 2-5-93; OSSHE 4-2002(Temp), f. & cert. ef. 5-28-02 thru 11-15-02; OSSHE 6-2002, f. & cert. ef. 7-30-02; OSSHE 4-2006, f. & cert. ef. 6-27-06

580-022-0031
Transfer of Staff Fee Privileges

Employees of the Department of Higher Education eligible for staff fee privileges (as defined in 580-022-0030) may transfer such privileges to family members or domestic partners consistent with the following terms and conditions:

- (1.) Persons eligible to receive a transfer of staff fee privileges must be either:

- a.) A family member, to include spouse or dependent children, in accordance with applicable Internal Revenue Service (IRS) code; or
- b.) A "domestic partner," as defined in the Affidavit of Domestic Partnership, or the dependent child of a domestic partner.

(2) Staff fee privileges:

- a.) Are usable only by either the employee or transferee;
- b.) May not be subdivided among family members or domestic partners and their dependents during a term;
- c.) Are limited to one transfer per term;
- d.) Are limited to no more than twelve (12) academic credits per term; and
- e.) There is no fee plateau at any campus for staff members, domestic partners, or eligible dependents.

(3) Employee qualification is verified through Human Resource System Records at each institution; recipient status (spousal, dependent, or domestic partner) must be established no later than the first day of classes of the term of enrollment.

(4) Recipients of transferred staff fee privileges may register for courses at any Oregon University System institution, subject to policies of the instructing institution. Institutions reserve the right to exclude programs from eligibility for the privilege.

(5) Mandatory enrollment fees including, but not limited to, Resource, Health Service, Building, and Incidental, will apply.

(6) Transfer of staff fee privileges is not available for retirees of the Oregon University System

(7) For further reference to applicable policies and procedures, see the most current edition of the Academic Year Fee Book.

[Publications: Publications referenced are available from the agency.]

Hist.: OSSHE 2-2000, f. & cert. ef. 6-23-00; OSSHE 5-2002(Temp), f. & cert. ef. 5-28-02 thru 11-15-02; OSSHE 7-2002, f. & cert. ef. 7-30-02; OSSHE 4-2006, f. & cert. ef. 6-27-06

580-022-0035

Physical Education Privileges

Insofar as practicable, physical education facilities are available to staff members for recreational purposes on payment of an appropriate fee.

Hist.: HEB 3-1978, f. & ef. 6-5-78

580-022-0040
Student Health Services

Student health service facilities are not available to staff members.

Hist.: HEB 3-1978, f. & ef. 6-5-78

WEEDN Hayley * OGEC

From: Brubaker, Jessica <jessica.brubaker@oregonstate.edu>
Sent: Tuesday, February 28, 2017 2:01 PM
To: WEEDN Hayley * OGEC
Subject: RE: RE OGEC Request for Opinion--

Hayley-

As we discussed, the staff tuition rate benefit for OSU employees is established by OSU Policy 580-022-0030, which can be found here:

http://leadership.oregonstate.edu/sites/leadership.oregonstate.edu/files/compliance/holidays_580-022.pdf

For additional background information, here is the OSU Board of Trustees resolution on establishing tuition and fees: http://leadership.oregonstate.edu/sites/leadership.oregonstate.edu/files/trustees/agendas-minutes/resolution_15-01_tuition_fees_process.pdf

I also thought the following information might be helpful in seeing the different classes of tuition rates. Undergraduate rates can be found here: <http://fa.oregonstate.edu/budget/tuition-fees/2016-2017-tuition-fees-schedules/corvallis-campus-undergraduate-tuition-academc>, and graduate rates can be found here: <http://fa.oregonstate.edu/budget/tuition-fees/2016-2017-tuition-fees-schedules/corvallis-campus-graduate-tuition-academc-year>

Finally, information about fees (undergraduate and graduate) can be found here: <http://fa.oregonstate.edu/budget/tuition-fees/2016-2017-tuition-fees-schedules/mandatory-fees-corvallis-cascades-campus-0>

Please let me know if you have questions or need any additional information.

Thanks-

Jessica

Jessica Brubaker | Assistant General Counsel
Oregon State University | 638 Kerr Administration Bldg | Corvallis, Oregon 97331
Phone 541.737.2474 | Fax 541.737.0712 | jessica.brubaker@oregonstate.edu

From: WEEDN Hayley * OGEC [mailto:Hayley.WEEDN@oregon.gov]
Sent: Thursday, February 23, 2017 5:42 PM
To: Brubaker, Jessica <jessica.brubaker@oregonstate.edu>
Subject: RE OGEC Request for Opinion--

Jessica,

I just left you a voice message letting you know that I'm currently working on your OGEC request for staff advisory opinion regarding decision-making on tuition rates and fees by members of the board of trustees when board members themselves, or their relatives, are enrolled students at OSU.

The conflict of interest exception for members of a class affected to the same degree might well apply, but based on the information provided, it is not possible for me to determine whether enrolled students do in fact establish a single class,

and even if so, whether they would all be affected the same. If some enrolled students receive tuition discounts or waivers for various reasons (i.e., in-state tuition vs out-of-state tuition costs, or if an enrolled student qualifies for tuition discount or lower tuition rate as a result of having a relative on the board), then it might be that there is more than one class to consider, or it may be that all members of the class are not affected the same..... Regardless, would it be possible for you to provide documentation as to tuition and fee breakdown for the different types of enrolled students??

By the way, your request was bumped up to Commission Advisory Opinion, so the Commission will vote on whether or not to adopt the opinion at its next public meeting on March 10th. Give me a call or email if you have any questions.

Best,

—
Hayley D. Weedn
Program Analyst/Trainer
Government Ethics Commission
3218 Pringle Rd SE, Ste. 220
Salem, OR 97302-1544
Hayley.Weedn@oregon.gov
503.378.8066

****Disclaimer****

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.



FINANCE AND ADMINISTRATION

Budget and Fiscal Planning

[Home](#) » [Budget and Fiscal Planning](#) » [Tuition & Fees](#) » [2016-2017 Tuition & Fees Schedules](#)

Corvallis Campus: Undergraduate Tuition, Academic Year 2016-2017

RESIDENT: Corvallis Campus - AY2016-2017 Undergraduate Tuition Rates^{1,2}

Credits	Undergraduate Base Tuition ³	College of Business ⁴	College of Engineering		College of Forestry ⁷	Honors College ⁸
			Pre-Engineering ⁵	Professional Engineering ⁵		
	Resident	Resident	Resident	Resident	Resident	Resident
1	287.00	307.00	321.00	338.00	302.00	718.00
2	474.00	514.00	542.00	576.00	504.00	905.00
3	661.00	721.00	763.00	814.00	706.00	1,092.00
4	848.00	928.00	984.00	1,052.00	908.00	1,279.00
5	1,035.00	1,135.00	1,205.00	1,290.00	1,110.00	1,466.00
6	1,222.00	1,342.00	1,426.00	1,528.00	1,312.00	1,653.00
7	1,409.00	1,549.00	1,647.00	1,766.00	1,514.00	1,840.00
8	1,596.00	1,756.00	1,868.00	2,004.00	1,716.00	2,027.00
9	1,783.00	1,963.00	2,089.00	2,242.00	1,918.00	2,214.00
10	1,970.00	2,170.00	2,310.00	2,480.00	2,120.00	2,401.00
11	2,157.00	2,377.00	2,531.00	2,718.00	2,322.00	2,588.00
12	2,344.00	2,584.00	2,752.00	2,956.00	2,524.00	2,775.00
13	2,531.00	2,791.00	2,973.00	3,194.00	2,726.00	2,962.00

	<u>College of Engineering</u>					
	Undergraduate Base Tuition ³	College of Business ⁴	Pre-Engineering ⁵	Professional Engineering ⁶	College of Forestry ⁷	Honors College ⁸
<u>Credits</u>	<u>Resident</u>	<u>Resident</u>	<u>Resident</u>	<u>Resident</u>	<u>Resident</u>	<u>Resident</u>
14	2,718.00	2,998.00	3,194.00	3,432.00	2,928.00	3,149.00
15	2,905.00	3,205.00	3,415.00	3,670.00	3,130.00	3,336.00
16	3,092.00	3,412.00	3,636.00	3,908.00	3,332.00	3,523.00
17	3,279.00	3,619.00	3,857.00	4,146.00	3,534.00	3,710.00
18	3,466.00	3,826.00	4,078.00	4,384.00	3,736.00	3,897.00
<i>Each Add'l Credit Hour</i>	187.00	207.00	221.00	238.00	202.00	187.00

NON-RESIDENT: Corvallis Campus - AY2016-2017 Undergraduate Tuition Rates^{1,2}

	<u>College of Engineering</u>					
	Undergraduate Base Tuition ³	College of Business ⁴	Pre-Engineering ⁵	Professional Engineering ⁶	College of Forestry ⁷	Honors College ⁸
<u>Credits</u>	<u>Non-Resident</u>	<u>Non-Resident</u>	<u>Non-Resident</u>	<u>Non-Resident</u>	<u>Non-Resident</u>	<u>Non-Resident</u>
1	917.00	937.00	951.00	968.00	932.00	1,348.00
2	1,499.00	1,539.00	1,567.00	1,601.00	1,529.00	1,930.00
3	2,081.00	2,141.00	2,183.00	2,234.00	2,126.00	2,512.00
4	2,663.00	2,743.00	2,799.00	2,867.00	2,723.00	3,094.00
5	3,245.00	3,345.00	3,415.00	3,500.00	3,320.00	3,676.00
6	3,827.00	3,947.00	4,031.00	4,133.00	3,917.00	4,258.00
7	4,409.00	4,549.00	4,647.00	4,766.00	4,514.00	4,840.00
8	4,991.00	5,151.00	5,263.00	5,399.00	5,111.00	5,422.00

			College of Engineering			
9	5,573.00	5,753.00	5,879.00	6,032.00	5,708.00	6,004.00
10	6,155.00	6,355.00	6,495.00	6,665.00	6,305.00	6,586.00
11	6,737.00	6,957.00	7,111.00	7,298.00	6,902.00	7,168.00
12	7,319.00	7,559.00	7,727.00	7,931.00	7,499.00	7,750.00
13	7,901.00	8,161.00	8,343.00	8,564.00	8,096.00	8,332.00
14	8,483.00	8,763.00	8,959.00	9,197.00	8,693.00	8,914.00
15	9,065.00	9,365.00	9,575.00	9,830.00	9,290.00	9,496.00
16	9,647.00	9,967.00	10,191.00	10,463.00	9,887.00	10,078.00
17	10,229.00	10,569.00	10,807.00	11,096.00	10,484.00	10,660.00
18	10,811.00	11,171.00	11,423.00	11,729.00	11,081.00	11,242.00
Each Add'l Credit Hour	582.00	602.00	616.00	633.00	597.00	582.00

¹A one time Matriculation Fee of \$350 is assessed to all new and transfer undergraduate and graduate students.

²Students taking classes at both the Corvallis and Cascades Campus¹ are assessed the Corvallis campus differential rate.

³Rates apply to all majors not otherwise noted in tables.

⁴Includes all majors in the College except Graphic Design.

⁵Includes all College majors and Pre-Forest Engineering/Civil Engineering majors.

⁶Includes all College majors and Professional Forest Engineering/Civil Engineering majors.

⁷Includes the following Majors: Forestry, Forest Engineering, Forest Management, Forest Operations Management, and Renewable Materials. Other College of Forestry majors charged regular undergraduate base tuition and fees. Pre-Forest Engineering/Civil Engineering majors are charged the Pre-Engineering differential and Professional Forest Engineering/Civil Engineering majors are charged the Prof-Engineering differential.

^aHonors College Students are assessed an additional \$431 Honors College tuition per term over the tuition applicable to the program of their major. These rates show Honors College tuition for students in majors charged at the base undergraduate tuition rate.

[Printer-friendly version](#)



FINANCE AND ADMINISTRATION
Budget and Fiscal Planning



ONLINE SYSTEMS MANAGEMENT REPORTS FOAPA UNIVERSITY BUDGET COMMITTEE
 BUDGET DEVELOPMENT RESOURCES CORE OSU BUDGET MODEL TUITION & FEES
 CONTACTS

[Home](#) » [Budget and Fiscal Planning](#) » [Tuition & Fees](#) » [2016-2017 Tuition & Fees Schedules](#)

Corvallis Campus: Graduate Tuition, Academic Year 2016-2017

RESIDENT: Corvallis Campus, AY2016-2017 Graduate Tuition Rates¹

Credits	Graduate Base Tuition ²	College of Business ³	College of Engineering ⁴	Medical Physics ⁵	Public Health	Doctor of Veterinary Medicine ⁶		Doctor of Pharmacy
						1st, 2nd & 3rd Years	4th Year	
	Resident	Resident	Resident	Resident	Resident	Resident	Resident	Resident
1	450.00	699.00	505.00	600.00	513.00	n/a	n/a	612.00
2	900.00	1,398.00	1,010.00	1,200.00	1,026.00	n/a	n/a	1,224.00
3	1,350.00	2,097.00	1,515.00	1,800.00	1,539.00	n/a	n/a	1,836.00
4	1,800.00	2,796.00	2,020.00	2,400.00	2,052.00	n/a	n/a	2,448.00
5	2,250.00	3,495.00	2,525.00	3,000.00	2,565.00	n/a	n/a	3,060.00
6	2,700.00	4,194.00	3,030.00	3,600.00	3,078.00	n/a	n/a	3,672.00
7	3,150.00	4,893.00	3,535.00	4,200.00	3,591.00	n/a	n/a	4,284.00
8	3,600.00	5,592.00	4,040.00	4,800.00	4,104.00	n/a	n/a	4,896.00
9	4,050.00	6,291.00	4,545.00	5,400.00	4,617.00	n/a	n/a	5,508.00
10	4,050.00	6,321.00	4,600.00	6,000.00	4,617.00	n/a	n/a	6,120.00
11	4,050.00	6,351.00	4,655.00	6,600.00	4,617.00	n/a	n/a	6,732.00
12	4,050.00	6,381.00	4,710.00	7,200.00	4,617.00	7,169.00	5,411.00	7,344.00
13	4,050.00	6,411.00	4,765.00	7,800.00	4,617.00	7,169.00	5,411.00	7,344.00

						<u>Doctor of Veterinary Medicine⁶</u>		
	Graduate Base Tuition ²	College of Business ³	College of Engineering ⁴	Medical Physics ⁵	Public Health	1st, 2nd & 3rd Years	4th Year	Doctor of Pharmacy
<u>Credits</u>	<u>Resident</u>	<u>Resident</u>	<u>Resident</u>	<u>Resident</u>	<u>Resident</u>	<u>Resident</u>	<u>Resident</u>	<u>Resident</u>
14	4,050.00	6,441.00	4,820.00	8,400.00	4,617.00	7,169.00	5,411.00	7,344.00
15	4,050.00	6,471.00	4,875.00	9,000.00	4,617.00	7,169.00	5,411.00	7,344.00
16	4,050.00	6,501.00	4,930.00	9,600.00	4,617.00	7,169.00	5,411.00	7,344.00
17	4,500.00	7,200.00	5,435.00	10,200.00	5,130.00	7,169.00	5,411.00	7,344.00
18	4,950.00	7,899.00	5,940.00	10,800.00	5,643.00	7,169.00	5,411.00	7,344.00
Each Add'l Credit Hour	450.00	699.00	505.00	600.00	513.00	-	-	-

NON-RESIDENT: Corvallis Campus, AY2016-2017 Graduate Tuition Rates¹

						<u>Doctor of Veterinary Medicine⁶</u>		
	Graduate Base Tuition ²	College of Business ³	College of Engineering ⁴	Medical Physics ⁵	Public Health	1st, 2nd & 3rd Years	4th Year	Doctor of Pharmacy
<u>Credits</u>	<u>Non-Resident</u>	<u>Non-Resident</u>	<u>Non-Resident</u>	<u>Non-Resident</u>	<u>Non-Resident</u>	<u>Non-Resident</u>	<u>Non-Resident</u>	<u>Non-Resident</u>
1	807.00	1,198.00	862.00	957.00	908.00	n/a	n/a	1,054.00
2	1,614.00	2,396.00	1,724.00	1,914.00	1,816.00	n/a	n/a	2,108.00
3	2,421.00	3,594.00	2,586.00	2,871.00	2,724.00	n/a	n/a	3,162.00
4	3,228.00	4,792.00	3,448.00	3,828.00	3,632.00	n/a	n/a	4,216.00
5	4,035.00	5,990.00	4,310.00	4,785.00	4,540.00	n/a	n/a	5,270.00
6	4,842.00	7,188.00	5,172.00	5,742.00	5,448.00	n/a	n/a	6,324.00
7	5,649.00	8,386.00	6,034.00	6,699.00	6,356.00	n/a	n/a	7,378.00
8	6,456.00	9,584.00	6,896.00	7,656.00	7,264.00	n/a	n/a	8,432.00
9	7,263.00	10,782.00	7,758.00	8,613.00	8,172.00	n/a	n/a	9,486.00
10	7,263.00	10,812.00	7,813.00	9,539.00	8,172.00	n/a	n/a	10,540.00

						Doctor of Veterinary Medicine ⁶		
11	7,263.00	10,842.00	7,868.00	10,465.00	8,172.00	n/a	n/a	11,594.00
12	7,263.00	10,872.00	7,923.00	11,391.00	8,172.00	14,339.00	10,789.00	12,648.00
13	7,263.00	10,902.00	7,978.00	12,317.00	8,172.00	14,339.00	10,789.00	12,648.00
14	7,263.00	10,932.00	8,033.00	13,243.00	8,172.00	14,339.00	10,789.00	12,648.00
15	7,263.00	10,962.00	8,088.00	14,169.00	8,172.00	14,339.00	10,789.00	12,648.00
16	7,263.00	10,992.00	8,143.00	15,095.00	8,172.00	14,339.00	10,789.00	12,648.00
17	8,070.00	12,190.00	9,005.00	16,052.00	9,080.00	14,339.00	10,789.00	12,648.00
18	8,877.00	13,388.00	9,867.00	17,009.00	9,988.00	14,339.00	10,789.00	12,648.00
Each Add'l Credit Hour	807.00	1,198.00	862.00	957.00	908.00	-	-	-

¹A one time Matriculation Fee of \$350 is assessed to all new and transfer undergraduate and graduate students.

²Rates apply to all majors not otherwise noted in tables.

³Includes the MBA and Accountancy MBA; other degrees in the college are charged at base graduate tuition rate.

⁴All degrees in the College of Engineering except Medical Physics.

⁵Tuition for Medical Physics is matched to tuition at OHSU and is set by OHSU.

⁶Veterinary Medicine is full-time program only. Veterinary Medicine students are not assessed the overtime fee. This exception to the general policy for other graduate programs results from the Veterinary Medicine curricular design which requires carrying larger SCH loads in certain terms for normal progress toward a degree. Fourth Year students taking a series of study, externship, and clinical rotations from the beginning of Finals Week in June to the end of Dead Week the following June are assessed the four term fees during that period of time. Fee payment dates will correspond to normal fall, winter, spring and summer term schedules.

[Printer-friendly version](#)



FINANCE AND ADMINISTRATION

Budget and Fiscal Planning

[Home](#) » [Budget and Fiscal Planning](#) » [Tuition & Fees](#) » [2016-2017 Tuition & Fees Schedules](#)

Mandatory Fees-Corvallis & Cascades Campuses AY2016-2017

Mandatory Fees ~ Academic Year, Undergraduates & Graduates

Corvallis Campus, Academic Year 2016-2017 Mandatory Fee Rates^{1,2}

Credits	Undergraduate Mandatory Fees				Graduate Mandatory Fees			
	Building	Incidental	Health Service	Total Fees	Building	Incidental	Health Service	Total Fees
1	23.00	302.31	142.50	467.81	23.00	306.81	142.50	472.31
2	25.00	307.81	142.50	475.31	26.00	313.81	142.50	482.31
3	27.00	313.31	142.50	482.81	29.00	320.81	142.50	492.31
4	29.00	318.81	142.50	490.31	32.00	327.81	142.50	502.31
5	31.00	324.31	142.50	497.81	35.00	334.81	142.50	512.31
6	33.00	329.81	142.50	505.31	38.00	341.81	142.50	522.31
7	35.00	335.31	142.50	512.81	41.00	348.81	142.50	532.31
8	37.00	340.81	142.50	520.31	43.00	355.81	142.50	541.31
9	39.00	346.31	142.50	527.81	45.00	362.81	142.50	550.31
10	41.00	351.81	142.50	535.31	45.00	362.81	142.50	550.31
11	43.00	357.31	142.50	542.81	45.00	362.81	142.50	550.31
12 or more	45.00	362.81	142.50	550.31	45.00	362.81	142.50	550.31

¹A one time Matriculation Fee of \$350 is assessed to all new and transfer undergraduate and

graduate students.

²Fee rates apply to resident and non-resident students.

Cascades Campus, Academic Year 2016-2017 Mandatory Fee Rates^{1,2}

<u>Credits</u>	<u>Undergraduate Mandatory Fees</u>			<u>Graduate Mandatory Fees</u>		
	<u>Building</u>	<u>Incidental</u>	<u>Total Fees</u>	<u>Building</u>	<u>Incidental</u>	<u>Total Fees</u>
1	23.00	141.00	164.00	23.00	140.00	163.00
2	25.00	146.00	171.00	26.00	147.00	173.00
3	27.00	151.00	178.00	29.00	154.00	183.00
4	29.00	156.00	185.00	32.00	161.00	193.00
5	31.00	161.00	192.00	35.00	168.00	203.00
6	33.00	166.00	199.00	38.00	175.00	213.00
7	35.00	171.00	206.00	41.00	182.00	223.00
8	37.00	176.00	213.00	43.00	189.00	232.00
9	39.00	181.00	220.00	45.00	196.00	241.00
10	41.00	186.00	227.00	45.00	196.00	241.00
11	43.00	191.00	234.00	45.00	196.00	241.00
12 or more	45.00	196.00	241.00	45.00	196.00	241.00

¹A one time Matriculation Fee of \$350 is assessed to all new and transfer undergraduate and graduate students.

²Fee rates apply to resident and non-resident students.

[Printer-friendly version](#)



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 1, 2017

Secretary of State Dennis Richardson
900 Court Street NE
Capitol Room 136
Salem, Oregon 97310-0722

Dear Secretary of State Richardson,

This letter of advice is provided in response to your request received which presented a question regarding how the provision of Oregon Government Ethics law may apply to public officials who may participate in a leadership course which is planned for February 28 through March 1, 2017. This analysis and advice is being offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances you have presented.

Your request states the Center for Community Innovation (CCI), a 501(c)(3), is hosting a two-day educational event. During this event, CCI will provide and pay for a leadership seminar and training materials. The purpose of this event is to educate and develop the leadership styles of leaders within the Secretary of State's agency. In the request you have asked what restrictions or requirements Oregon Government Ethics law may impose on public officials who may wish to participate in this event.

Under most circumstances when a public official is offered paid expenses to participate in an educational seminar at no cost to the public official, it would be a gift as defined in ORS 244.020(7)(a). ORS 244.020(7)(b) excludes several items from the statutory definition of "gift", including reasonable food, travel expenses provided to a public official when representing government.

ORS 244.020(7)(b)(F) allows acceptance of the payment of reasonable expenses paid by a not-for-profit corporation that is tax exempt under section 501(c)(3), for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official represents state government.



Secretary of State Dennis Richardson
February 1, 2017
Page 2

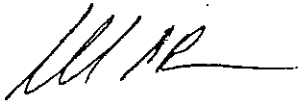
Based on the information provided it appears that ORS 244.020(7)(b)(F) would allow public officials to accept the payment of the seminar and training materials to participate in this leadership seminar, which appears to meet the definition of a fact-finding mission, as defined in OAR 199-005-0001(2).

The public officials who participate in this event and who must file the Annual Verified Statement of Economic Interest (SEI) with the Oregon Government Ethics Commission would be required to report the aggregate value of these paid expenses pursuant to ORS 244.060(6) as it appears the aggregate value will exceed \$50. In the office of the Secretary of State's Office it would appear the required filers of the SEI would be Secretary of State Richardson and Deputy Secretary of State Cummings.

As the source of the offer of paid expenses, CCI is required to provide a statement of expenses provided to a public official when the aggregate value exceeds \$50 for an event described in ORS 244.020(7)(b)(F) within 10 days after the date the expenses are incurred.

If you have any additional questions regarding the application of Oregon Government Ethics law please feel free to contact me directly.

Sincerely,



Ronald A. Bersin
Executive Director

RAB/th

*****DISCLAIMER*****

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.

HEDRICK Tammy R * OGEC

From: JORGENSEN Eric <eric.jorgensen@state.or.us>
Sent: Wednesday, February 01, 2017 8:42 AM
To: HEDRICK Tammy R * OGEC
Subject: RE: Leadership Training

Hello Tammy,

Wanted to touch base on this and see how things are coming along. Also to update you that the Division Directors would also like to invite a few of their key staff, so the number of total attendees may be as high as 40. FYI.

Best wishes,

Eric Jorgensen
Special Assistant to the Secretary of State
Secretary of State Dennis Richardson
(503) 934-0941

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: JORGENSEN Eric
Sent: Monday, January 30, 2017 3:55 PM
To: 'HEDRICK Tammy R * OGEC' <Tammy.R.HEDRICK@oregon.gov>
Subject: RE: Leadership Training

Hello Tammy,

Looks like the event will be taking place Feb 28-Mar 1st.

Attendees are the SOS, the members of the Executive Office and Division Directors. The Deputies may also be in attendance.

What is being offered is the training materials for a leadership course. The leadership course is already booked by the Non-Profit, The Center for Community Innovation, a 501c3, and they are covering the transportation expenses for the facilitator, etc. What is being offered to our SOS employees is the cost of the training materials, which is \$180.

The purpose of this event is to enhance the leadership styles of leaders within the SOS agency.

() letter would be directed to Sec. Richardson. Thank you!

Best wishes,

Eric Jorgensen
Special Assistant to the Secretary of State
Secretary of State Dennis Richardson
(503) 934-0941

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: HEDRICK Tammy R * OGEC [<mailto:Tammy.R.HEDRICK@oregon.gov>]
Sent: Wednesday, January 18, 2017 7:09 AM
To: JORGENSEN Eric <erijor@sos.state.or.us>
Subject: RE: Leadership Training

Good morning Eric,

I would be more than happy to provide this guidance. Could you provide me with the date of the event, who is being invited, what is being offered and the purpose of this event. This will allow me to start with a clean slate.

Lastly, I be addressing this letter of guidance to you or the Secretary of State?

I will be leaving the office to travel to Jackson County to provide training. I will return Friday afternoon, as such the soonest this letter of guidance will be completed and sent to you will be early next week.



Tammy R. Hedrick Program Analyst/Trainer
Oregon Government Ethics Commission
(503) 378-6802 ogec.training@oregon.gov

Disclaimer

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.

From: JORGENSEN Eric [<mailto:eric.jorgensen@state.or.us>]
Sent: Tuesday, January 17, 2017 3:33 PM
To: HEDRICK Tammy R * OGEC <Tammy.R.HEDRICK@oregon.gov>
Subject: Leadership Training

Hi Tammy,

As a follow up to our conversation last week, The Center for Community Innovation, a 501c3 is going to be paying for the leadership training that our staff members will be attending.

I would like to have a letter from you just explaining that we are covered for this. Thank you!

Best wishes,

Eric Jorgensen
Special Assistant to the Secretary of State
Secretary of State Dennis Richardson
(503) 934-0941

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

February 27, 2017

State Farm Insurance Company
C/o Jeff Aeschliman
550 Hawthorne Ave S.E.
Salem, Oregon 97301

Dear Mr. Aeschliman:

You have contacted the Oregon Government Ethics Commission regarding a reception being sponsored by State Farm Insurance Company. You have requested written guidance regarding how the provisions in Oregon Government Ethics law may apply to public officials who may wish to participate in this planned event which is scheduled for April 11, 2017.

Invited participants will include legislators and their staff and lobbyist, those who participate will be provided food and beverage. In addition, to the food and beverage provided by State Farm Insurance Company, the National Association of Mutual Insurance Company, a trade association of the State Farm Insurance Company, will be sponsoring a host bar.

This analysis and advice is being offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances you have presented.

Your question, how would the provisions found in Oregon Government Ethics law, ORS Chapter 244 address these types of expenses to public officials? Under most circumstances when a public official is offered food and beverage at no cost to the public official it would be gift as defined in ORS 244.020(7)(a). If the provider of a gift to a public official has a legislative or administrative interest in the votes or decisions of the public official there are conditions and restrictions that apply to the acceptance of the gift.



A legislative or administrative interest is defined in ORS 244.020(10) as an economic interest that is distinct from the economic interest held by members of the general public in the votes or decisions of the public official.

It is apparent that State Farm Insurance Company and its trade association, the National Association of Mutual Insurance Company has an economic interest that is distinct from the economic interest held by members of the general public in the decisions or votes of the legislative officials that may wish to participate in the planned event. Therefore, the conditions and restrictions on paid expenses offered to those public officials who may wish to attend this event would apply.

Under specific circumstances set forth in ORS 244.020(7)(b), there are exceptions when a public official may accept gifts, such as paid expenses for food and beverage. The exception relevant to your inquiry is described in ORS 244.020(7)(b)(E) as follows:

ORS 244.020(7)(b)(E) "Admission provided to or the cost of food or beverage consumed by a public official, or a member of the household or staff of the public official when accompanying the public official, at a reception, meal or meeting held by an organization when the public official represents state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

Based on the information provided, ORS 244.020(7)(b)(E) would allow public officials to accept food and beverage to participate in the reception sponsored by State Farm Insurance Company and the hosted bar by sponsored by the National Association of Mutual Insurance Company, which meets the definition of a reception as defined in OAR 199-005-0001(8).

State Farm Insurance Company
C/o Jeff Aeschliman
February 27, 2017
Page 3

As the sources of paid expenses for food, refreshment, and it is a lobbying or goodwill building activity expense, it is required to be included in the quarterly lobbying expenditure reports on behalf of State Farm Insurance Company and the National Association of Mutual Insurance Company.

If you have any additional questions regarding the application of Oregon Government Ethics law please feel free to contact me directly.

Sincerely,



Ronald A. Bersin
Executive Director

RAB/th

*****DISCLAIMER*****

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.

February 15, 2017

RECEIVED

FEB 17 2017

OREGON GOVERNMENT
ETHICS COMMISSION

Oregon Government Ethics Commission
3218 Pringle Rd SE, Suite 220
Salem, OR 97302

To whom it may concern:

On April 11, 2017, State Farm Insurance will host a Legislative Reception at the Salem Convention Center, from 5:30 – 7 p.m. Attendees will include State Farm agents and employees from Oregon, along with state legislators. We plan to invite all members of the Oregon Legislature.

State Farm Insurance is renting a room at the Convention Center for this reception, and will host the food and non-alcoholic beverages. There also will be bar service available, and our trade association, the National Association of Mutual Insurance Cos., will host alcoholic beverages.

We respectfully request that the Oregon Government Ethics Commission review the enclosed "Save the Date" notice for any concerns. This will be sent to all 90 legislators. Closer to the date, we follow up with an invitation to all legislators with similar wording.

Thank you for your assistance with this matter. You may direct your response to my attention.

Sincerely,



Jeff Aeschliman
Corporate Law Dept.
State Farm Insurance Cos.
(503) 463-3829
Jeff.aeschliman.c85n@statefarm.com

Enclosure

Save the Date!

State Farm Insurance

invites you to join us
for an evening reception

Tuesday, April 11, 2017

5:30 – 7:00 p.m.

Salem Convention Center

Croisan B & C
200 Commercial St SE

Written invitation to follow

Cocktails hosted by the
National Association of Mutual Insurance
Companies



Oregon Government Ethics Commission
Advisory Opinions Recommended for Rescission
March 10, 2017

Opinion No.	Subject	Reason for Rescinding
02A-1009	Own motion Opinion. Addresses whether a public official can act in an official capacity to recommend salary or benefits for themselves or for relatives.	The opinion provides a partial answer as to ORS 244.040's application (prohibited use of official position or office), but may mislead readers in failing to identify a conflict of interest. A potential conflict arises when a public official makes an action, decision, or recommendation that might personally financially impact the public official or a relative (ORS 244.020(13)). A conflicted public official must follow the methods of handling conflicts of interest per ORS 244.120 in order to fully comply with Oregon Government Ethics law.
08A-1002	Own motion Opinion. Addresses whether public school teachers can accept private income for chaperoning student trips on personal time, if the opportunity is only available due to the public position the teacher holds.	Significant revisions to the gift provisions took effect in 2008, adding gifts not violating Oregon Government Ethics law to ORS 244.040's exceptions listed at sub (2)(e)-(g). As a result, the ORS 244.040 analysis provided is no longer appropriate; only consideration of the gift provisions (ORS 244.020(7), ORS 244.025) is required. These revisions also expressly added "[r]easonable expenses paid to a public school employee for accompanying students on an educational trip" to its list of allowable gift exceptions, which changes the outcome of the analysis provided in 08A-1002.
08A-1003	08A-1003, 08A-1004, and 08A-1005 were issued to clarify the effect of recent ORS 244 statutory revisions in response to a 39 question request by Capitol Club. 08A-1003 addresses the meaning of "legislative or administrative interest" per ORS 244.020.	08A-1003 was written to clarify an apparent inconsistency in ORS 244 as a result of legislative changes. In determining whether the \$50 gift limit applies, the definition of "legislative or administrative interest" (ORS 244.020(10)) and ORS 244.025 must be read together. In 2008, the definition of "legislative or administrative interest" became based on having interest in the receiving "public official". At the time, however, the language of ORS 244.025 was not changed (maintaining prior language based on interest in recipient's "governmental agency"). SB 30 (2009) fixed the inconsistency by amending ORS 244.025 to match ORS 244.020(10). Thus, 08A-1003 is no longer accurate or necessary.
08A-1004	08A-1003, 08A-1004, and 08A-1005 were issued to clarify the effect of recent ORS 244 statutory revisions in response to a 39 question request by Capitol Club. 08A-1004 addresses what is a "gift", exceptions, and items of value not otherwise considered gifts per ORS 244.020.	The analysis in 08A-1004 is no longer accurate for the following reasons: (a) opinion relies on analyses in 08A-1003 and 08A-1005, which are both recommended to rescind in this meeting; (b) opinion discusses the content and requirements for filing the Quarterly Public Official Disclosure form, which no longer exists; and (3) opinion interprets the phrase "offered to others who are not public officials... on the same terms and conditions" (in the definition of "gift" at ORS 244.020(7)) to mean a gift is "available to a significant portion of the general public", which is more restrictive than the meaning OGEC staff currently uses (<i>i.e.</i> , that a significant proportion of persons to whom the gift is offered are <i>not</i> public officials).

08A-1005	08A-1003, 08A-1004, and 08A-1005 were issued to clarify the effect of recent ORS 244 statutory revisions in response to a 39 question request by Capitol Club. 08A-1005 addresses how ORS 244.040 applies to gifts or other items of value.	Opinion heavily refers to and relies on 08A-1003 and 08A-1005, both of which are recommended to rescind in this meeting as a result of law and policy changes discussed above.
----------	---	--

October 11, 2002

On October 11, 2002 the Oregon Government Standards and Practices Commission (GSPC) adopted the following advisory opinion on its own motion.

This advisory opinion replaces advisory opinion 01A-1003 issued June 1, 2001 and rescinded on April 12, 2002.

**OREGON GOVERNMENT STANDARDS AND PRACTICE COMMISSION ADVISORY
OPINION NO. 02A-1009**

STATED FACTS: On occasion, a public official who is employed by a small public body is the only person in a position to make salary recommendations for themselves and/or relatives and otherwise take official action that could or would result in a financial benefit to the official or a relative of the official.

RELEVANT STATUTES: The following Oregon Revised Statutes are applicable to the issues addressed herein:

244.020(15) "Public official" means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services."

244.040 "Code of ethics; prohibited actions; honoraria. The following actions are prohibited regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed pursuant to ORS 244.120:"

244.040(1)(a) "No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's holding of the official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b) and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional achievement for the public official or the public official's relative, or for any business with which the public official or a relative of the public official is associated."

QUESTION: Would it be a violation of Oregon Government Standards and Practices laws for public officials of small bodies to make recommendations to their governing bodies regarding salary increases for themselves and/or a relative?

OPINION: No. ORS 244.040(1)(a) prohibits a public official from using or attempting to use official position or office to obtain financial gain or the avoidance of a financial detriment that would not otherwise be available but for the holding of the official position or office, other than official salary, honoraria, reimbursement of expenses and an unsolicited award for professional achievement for the public official or a relative of the public official or a business with which the public official or a relative of the public official is associated. The GSPC interprets salary to mean the receipt by the public official of the public official's salary and benefits.

Recommendations between a public official and another official charged with making decisions or the governing body are appropriate when: 1) they are part of a performance evaluation process; 2) during the Oregon budget law process; 3) if the elected body directs the appointed official to conduct a salary survey; 4) when the action is a part of a multi-year agreement implementation; or 5) in such other venues where both parties would expect a reasonable and open dialogue to take place. Securing and offering various salary and benefit comparisons or providing options to compensation packages for a governing body to consider is not considered a violation of law.

THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION PURSUANT TO ORS 244.280. A PUBLIC OFFICIAL OR BUSINESS WITH WHICH A PUBLIC OFFICIAL IS ASSOCIATED SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN.

Issued by Order of the Oregon Government Standards and Practices Commission at Salem, Oregon on the 11th day of October 2002.

Alice Schlenker, Chairperson

Lynn Rosik
Assistant Attorney General

Date

MismacMM-02A-1009-JP

August 15, 2008

At its August 15, 2008 meeting, the Oregon Government Ethics Commission (Commission) adopted the following advisory opinion:

OREGON GOVERNMENT ETHICS COMMISSION ADVISORY OPINION NO. 08A-1002

STATED FACTS: Students attending public schools (K-12) are offered opportunities to travel during school vacations. These opportunities are usually offered to students who are in their middle or high school years. The trips offered are to various locations in and outside the United States. Most of the opportunities are offered through businesses that sell travel services or organizations that promote travel as an educational opportunity. The students pay for their own travel expenses.

Teachers are often recruited for or offered opportunities to chaperone student groups. There are occasions when teachers selected to be chaperones will promote the travel opportunity to students in their own classrooms and schools.

When teachers act as chaperones their food, lodging and travel expenses are paid to compensate them for accompanying the student travelers. The duties and responsibilities of teachers who participate in these travel events are not duties assigned in their employment agreement with the school district nor are they compensated by the school districts for the travel related activities.

The Commission has received a number of inquiries as to what impact the 2007 revisions to Oregon Government Ethics law may have on teachers who accept paid travel expenses for these trips. The information gained from the inquiries indicates that the opportunities for teachers to receive paid travel expenses come in forms similar to the following:

1. A travel agency or organization offers a tour with a cost per person that includes food, lodging or travel expenses for a group of students. The agency or organization recruits a teacher to help organize the tour, recruit students and chaperone the students who pay to join the tour. The teacher is provided, at no cost, food, lodging and travel by the agency or organization.

2. There are organizations that promote educational travel opportunities for students. The organizations provide tours with a cost per person that includes food, lodging or travel expenses for groups of students. The organizations advertise and invite applicants for positions to chaperone student groups. Those applicants selected to chaperone are compensated with paid food, lodging and travel expenses.
3. Parents of students in a foreign language class form a non-profit organization, without the involvement of the school district or the students' teacher. The parents make the travel arrangements and raise funds for the travel costs. They offer to pay for the food, lodging and travel expenses for teacher of their children so the teacher can act as a chaperone for the teacher's own students during the trip.
4. There are organizations that are formed to promote interest in specific professions or vocations, such as agriculture, medicine, accounting or law. The organizations provide grants to school districts to pay compensation and reimburse expenses for a district teacher selected to arrange and accompany students who travel to events related to the specific professions or vocations.

In comparing the 2005 edition of Oregon Revised Statutes with the 2007 edition there is no appreciable difference between how Oregon Government Ethics law applies to the stated facts before and after ORS Chapter 244 was revised in 2007.

QUESTION: If not part of an employment contract or a duty assigned by the school district, would a public school teacher violate Oregon Government Ethics law by acting as a chaperone on personal time for a group of students and accept food, lodging and travel expenses from a private business or organization as compensation?

ANSWER: Public school teachers meet the definition of public officials as provided in ORS 244.020(13). As public officials, teachers are prohibited by ORS 244.040(1) from using or attempting to use their official position to obtain a financial gain or to avoid a financial detriment through an opportunity that would not otherwise be available but for their holding an official position as a public school teacher. There are exceptions to prohibited financial benefits and those related to this question include any part of the public official's compensation package, reimbursement of expenses or items that are specifically excluded from the definition of a gift [ORS 244.040(2)].

If a public school teacher were offered an opportunity to accept paid travel expenses, as described in the stated facts, the teacher would have to ask this question, would I have this opportunity if I was not holding this position as a teacher? If the answer is no, it would be a violation of ORS 244.040(1) to accept the financial benefit of paid travel expenses from any business or organization other than the teacher's employer.

From the examples in the stated facts, those teachers who may be recruited or selected because of their school assignment, specific classes taught or their rapport with the students would not be able to accept the free travel expenses. For example, consider a French language teacher who uses the classroom and school resources to promote a tour and recruit students to join a tour of France during the school's summer vacation. In return for the teacher's efforts the teacher is provided with free food, lodging and travel to accompany the students on the summer trip to France. The teacher, in this example, would not have this opportunity but for being a teacher at this school and in that French class. In addition, the teacher used the school's resources to promote the opportunity.

If the French language teacher were to engage in outside employment that provided income or compensation in the form of paid travel expenses, the teacher could do so in if the opportunity was one that was available to anyone who wished to establish the same type of personal business. In the past, the Commission has indicated that ORS Chapter 244 does not prohibit public officials from pursuing personal business interests on their personal time. The Commission offers guidelines that public officials must follow to avoid the risk of violating ORS 244.040(1) or other provisions in Oregon Government Ethics law.

GUIDELINES FOR OUTSIDE EMPLOYMENT OF PUBLIC OFFICIALS

1. Public officials are not to engage in private business interests or other employment activities on their governmental agency's time.
2. A governmental agency's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests.
3. The position as a public official is not to be used to take official action that could have a financial impact on a private business with which you, a relative or member of your household are associated.
4. Confidential information gained as a public official is not to be used to obtain a financial benefit for the public official, a relative or member of the public official's household or a business with which any are associated.
5. When participating in an official capacity and met with a potential or actual conflict of interest related to a personal business the public official must disclose the nature of the conflict of interest using one of the following methods:

Employees of governmental agencies must give written notice to their appointing authority.

Elected or appointed public officials must publicly disclose once during each meeting convened by the governing body they serve.

If the French language teacher, in the example, wanted to avoid a violation of Oregon Government Ethics law, the teacher would have to follow the guidelines for outside employment, including conducting the business on personal time. This would mean that the teacher cannot use the classroom or school environment to conduct the outside business if the same access is not also available to others who are not teachers.

This opinion is not intended to diminish the educational value these trips may offer to students. It is an analysis of the circumstances and an explanation of how the current provisions of Oregon Government Ethics law apply to teachers as public officials. Members of a school district board of directors could assign a teacher to organize and chaperone trips for students. In taking such action any school district compensation or reimbursement for travel expenses would be allowed under ORS 244.040(1) and (2). The fourth example in the stated facts describes how a board of directors could act to make teacher chaperoned trips part of the teacher's official compensation package. The grant funds from an organization become school district funds and the board of directors can authorize compensation and reimbursement to the teacher.

QUESTION: Would the exemptions to the gift definition in ORS 244.020(5)(a) for reasonable expenses for food, lodging or travel apply when teachers accompany their own students on vacation trips because of the educational benefits?

ANSWER: If travel expenses are paid by a business or organization, other than the teacher's public employer, it constitutes a gift. Gifts from a single provider, with an administrative interest in the public school teacher's school district or school cannot exceed an aggregate value of \$50 to that teacher in one calendar year [ORS 244.025(1) and (2)].

Any private business or other organization that offers and promotes travel opportunities to students and teachers would have an administrative interest in the school districts or schools of those students and teachers. An administrative interest is defined as an economic interest in the school districts or schools that is distinct from the economic interest held by members of the general public [ORS 244.020(8)].

A public official may accept reasonable expenses paid by an organization other than the public official's employer when the public official is representing a government body on an officially sanctioned fact-finding mission because ORS 244.020(5)(b)(H)(i) identifies those expenses paid under these conditions as not being a gift.

For a teacher to accept reasonable expenses allowed by ORS 244.020(5)(b)(H)(i) the travel must be officially sanctioned as a fact-finding mission. Officially Sanctioned means the trip would be approved by the teacher's supervisor or the school district board of directors [OAR 199-005-0020(4)(d)(A) and (B)]. Based on the information available in preparing this opinion it is apparent that school district supervisors or boards of directors have not been involved in the review or approval of student summer travel discussed in this opinion.

The definition of a fact-finding mission is, in part, any activity related to a cultural or educational purpose [OAR 199-005-0020(4)(a)]. The sponsor of a fact finding mission should also be directly and immediately associated with the event or location being visited. While travel to locations with students may have an educational aspect, it would not automatically follow that the trip would constitute a fact-finding trip in which the teacher participates. The purpose and activities of each planned trip would need to be evaluated to insure that it does fulfill the requirement to be for a cultural or educational purpose. For example, if the teacher were merely a chaperone and did not provide instruction or guidance for the students in language usage or cultural events, the trip may not meet the requirements of ORS 244.020(5)(b)(H)(i).

If paid expenses to teachers who chaperone students on trips are to qualify for the gift exception in ORS 244.020(5)(b)(H)(i), the trips must meet the conditions for that exception. The trips discussed in this opinion could represent fact finding but it is not clear that sponsors of these fact finding missions are directly and immediately associated with the event or location being visited as required by OAR 199-005-0020(4)(a). It is clear that the trips are not officially sanctioned by school district supervisors or boards of directors. Therefore, the exemption from the gift definition would not apply to the opportunity for teachers to accept paid travel expenses for trips described and discussed herein.

The statutes or rules cited in this opinion are provided as an addendum to this Commission Advisory Opinion.

THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO ORS 244.280. A PUBLIC OFFICIAL OR BUSINESS WITH WHICH A PUBLIC OFFICIAL IS ASSOCIATED SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN. OTHER LAWS OR REGULATIONS NOT WITHIN THE JURISDICTION OF THE COMMISSION MAY ALSO APPLY.

Advisory Opinion 08A-1002
August 15, 2008
Page 6

Issued by Order of the Oregon Government Ethics Commission at Salem, Oregon on the 15th day of August 2008.

Judith Stiegler, Chairperson

Lynn Rosik, Assistant Attorney General

08A-1002dc

ADDENDUM

RELEVANT STATUTES: The following Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) are applicable to the issues that are addressed in this opinion:

OAR 199-005-0020(1) "The purpose of this rule is to provide definitions and clarification for two of the gift exceptions that permit public officials to accept payment for travel conducted in the public official's official capacity, for certain limited purposes. Travel that meets the requirements of ORS 244.020(5)(b)(F) or (H) and this rule may be either within the United States or international."

OAR 199-005-0020(2) "As this term is used in ORS 244.020(5)(b)(F) and (H), "representing" a unit of government (state, local or special government body) means that the public official is making an authorized appearance in an official capacity on behalf of the public body. Unless the employing public body determines otherwise in advance of the travel, the following is sufficient to constitute prior authorization:

(a) A supervisor may approve the public official's representation;

(b) A governing board or commission of a public body may approve the representation of the governing board members or commissioners, respectively;

OAR 199-005-0020(4) "For purposes of ORS 244.020(5)(b)(H),

(a) A "fact finding mission" is any activity related to a cultural or educational purpose, or any activity aimed at providing intergovernmental assistance, such as for the purpose of international aid or sharing best practices, or developing intergovernmental relationships directly related to the public official's duties. The sponsor of a fact finding mission should be directly and immediately associated with the event or location being visited.

(d) "Officially Sanctioned" means approved by a state or local public body in writing by a person authorized by the public body to provide that approval, or at a public meeting by the governing body to the public body. Unless the public body determines otherwise, the following is sufficient to constitute officially sanctioned:

(A) A supervisor may approve expenses for an employee;

(B) A governing board or commission of a public body may approve expenses for governing board members or commissioners, respectively;"

ORS 244.020(5)(a) "Gift" means something of economic value given to a public official or a relative or member of the household of the public official:

(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or members of the household of public officials on the same terms and conditions; or

(B) For valuable consideration less than that required from others who are not public officials."

ORS 244.020(5)(b)(H) "Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

(i) On an officially sanctioned trade-promotion or fact-finding mission; or

(ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance."

ORS 244.020(8) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official."

ORS 244.020(13) "Public official" means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee, agent or otherwise, irrespective of whether the person is compensated for the services."

ORS 244.025 Gift limit; entertainment prohibition. (1) "During a calendar year, a public official, a candidate for public office or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest in any governmental agency in which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority."

ORS 244.025(2) "During a calendar year, a person who has a legislative or administrative interest in any governmental agency in which a public official holds any official position or over which the public official exercises any authority may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of \$50."

ORS 244.040 "Prohibited use of official position or office; exceptions; other prohibited actions. (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office."

ORS 244.040(2) "Subsection (1) of this section does not apply to:

(a) Any part of an official compensation package as determined by the public body that the public official serves.

(c) Reimbursement of expenses.

(e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority."

August 15, 2008

Matt C. Markee
Capitol Club President
5605 Inland Shores Way, N., #202
Salem, Oregon 97303

Dear President Markee:

At its August 15, 2008 meeting, the Oregon Government Ethics Commission (Commission) adopted the following advisory opinion:

OREGON GOVERNMENT ETHICS COMMISSION ADVISORY OPINION NO. 08A-1003

STATED FACTS: During the 2007 session of the Oregon Legislative Assembly made some changes to the Oregon Government Ethics law provided in Chapter 244 of the Oregon Revised Statutes. The changes have prompted many questions as to how the Commission will interpret and apply the statutes to a variety of circumstances. The Commission received a letter that was submitted on behalf of the Capitol Club with a wide range of questions some of which related to the definition and application of "legislative or administrative interest." The primary importance of understanding the term is because it is determinative in whether a person may offer a public official a gift or whether a public official may accept a gift and, if allowed, what restrictions may apply.

Legislative or administrative interest is defined in ORS 244.020(8) as follows:

"Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.

The definition places the emphasis of a legislative or administrative interest on the "person acting in the capacity of a public official" but when legislative or administrative interest is used in ORS Chapter 244, other than the definition section [ORS 244.020], the emphasis of the legislative or administrative interest is on the "governmental agency in which the public official holds" any official position.

When applying provisions related to a legislative or administrative interest the Commission will determine if the distinct economic interest is in the governmental agency of the public official. This was the approach used by the Commission before the recent revisions and will continue as the Commission's approach.

The letter dated 4/21/08 and submitted by Bruce A. Bishop on behalf of the Capitol Club presented 39 questions as to how the Commission interprets and applies the Oregon Government Ethics law in a variety of hypothetical circumstances. Any opinion on how Oregon Government Ethics law applies to a hypothetical set of circumstances must be offered on that set of circumstances. Once an opinion is offered its application would only be useful to the specific set of circumstances addressed. The Commission wishes to provide useful information regarding the revisions to Oregon Government Ethics law to as many public officials as is possible while addressing the issues that are raised in the questions presented on behalf of the Capitol Club.

The Commission has chosen to issue three separate Commission Advisory Opinions in response to the Capitol Club request. This one addresses legislative or administrative interest another will address the issues related to gifts [Commission Advisory Opinion 08A-1004] and a third will address issues related to the prohibited use of official position or office [Commission Advisory Opinion 08A-1005].

QUESTION: How does the Oregon Government Ethics Commission determine if a person has a legislative or administrative interest in the public official's governmental agency?

ANSWER: A person has a legislative or administrative interest in a governmental agency if the interest is economic and distinct from the economic interest that is held by members of the general public in any bills, resolutions, regulations, proposals or other matters subject to the action or vote of a public official within a governmental agency. If a person has a legislative or administrative interest in a governmental agency, the Commission applies the provisions of ORS Chapter 244 when that source gives a gift or gifts to any public officials, elected, appointed, employed or volunteer, in that governmental agency.

The differences in organizational structure and the size of state or local governments and special districts create uncertainty as to whether the legislative or administrative interest in a governmental agency affects all public officials of state and local government or special districts or does it only affect public officials in single branches, departments or divisions of these government organizations.

When the Commission decides if a person has a legislative or administrative interest in a governmental agency it considers what constitutes a governmental agency and then evaluates whether that person has an economic interest in actions taken within that

governmental agency. Not every situation is the same and the Commission or any person affected must make these judgments on a case by case basis.

The following examples are offered to illustrate what the Commission would identify as a legislative or administrative interest in a governmental agency. [For these illustrations the legislative or administrative interest is referred to only as an economic interest]:

- A vendor, contractor, organization or business that seeks to provide services or sell products to a governmental agency would have a distinct economic interest in the actions of the agency that impact the acquisition of the services or products offered.
- A developer, builder or real estate agency that is impacted by permits issued, codes, zoning and regulations would have a distinct economic interest in the actions on those matters by local or state governmental agencies.
- A business or any organization that is impacted by funding or regulations overseen by state or local governmental agencies would have a distinct economic interest in the actions or enforcement of those regulations by those governmental agencies.
- A lobbyist, business, organization, state or local agency that is seeking legislative action or could be impacted by legislative action would have a distinct economic interest in the actions within the Legislative Assembly.
- Any entity, public or private, that must seek funding or is regulated by a state or local agency would have a distinct economic interest in the actions of those governmental agencies.

QUESTION: What does the Oregon Government Ethics Commission define as a governmental agency and where in the organizational structure of a governmental agency would the legislative or administrative interest reside?

ANSWER: In our representative form of government, governmental agencies are governed by either one elected official who is the chief executive officer, or a governing body made up of elected or appointed members. The organizational structure of state governmental agencies is different than organizational structures of local governments or special districts. There are two reasons for the differences. One is the size of governmental agencies and the other is the separation between the three branches of state government, executive, legislative and judicial.

The following examples are offered to illustrate how the Commission would identify what constitutes a governmental agency and what public officials in the organizational

structure of the agency would be affected by the legislative or administrative interest provisions. [For these illustrations the legislative or administrative interest is referred to only as an economic interest]:

CITY GOVERNMENT

- City governments are governed by a city council that has the authority and responsibility to act on a variety of issues to include ordinances, resolutions, regulations, proposals and budgets. How elected city officials, employees or volunteers are affected by the legislative or administrative interest provisions will vary from city to city because not all cities have identical organizational structures.

In general, city governments have a governing body and a chief executive officer (city manager or city recorder) who oversees an organizational structure made up of various departments. [Some cities may use bureaus or divisions instead of departments and those terms have the same meaning as department in this opinion.] If a person has a distinct economic interest in a city department, all public officials in that department, including the manager, employees and volunteers would be affected by the application of the legislative or administrative interest provisions.

The effect of the legislative or administrative interest on the manager or employees of one department would not automatically impact managers or employees of other city departments if those other departments could not influence the outcome of actions in the department in which a person holds the economic interest. For example, an economic interest in the police department does not automatically affect the public works department. The term governmental agency is applied to individual departments [bureaus or divisions] and extends up through the organizational structure of a city to the chief executive and the governing body. However, there are many sources that may have an economic interest in more than one department in the same city.

COUNTY GOVERNMENT

- County governments are governed by a county commission or a county judge and two commissioners who act as a commission that have the authority and responsibility to act on a variety of issues to include codes, resolutions, regulations, proposals and budgets. How elected county officials, employees or volunteers are affected by the legislative or administrative interest provisions will

vary from county to county because not all counties have identical organizational structures.

In general, county governments have a commission as a governing body. Some have a chief executive officer who oversees an organizational structure made up of various departments. [Some counties may use bureaus or divisions instead of departments and those terms have the same meaning as department in this opinion.] If a person has a distinct economic interest in a county department, all public officials in that department, including the manager, employees and volunteers would be affected by the application of the legislative or administrative interest provisions. [County departments that are managed by an elected public official are discussed later.]

The effect of the legislative or administrative interest on the manager or employees of one department would not automatically impact managers or employees of other county departments if those other departments could not influence the outcome of actions in the department in which a person holds the economic interest. For example, an economic interest in the planning department does not automatically affect the public works department. However, there are many sources that may have an economic interest in more than one department in the same county.

The term governmental agency is applied to individual departments [bureaus or divisions] and extends up through the organizational structure to the chief executive and the county commission.

- In county governments, in addition to commissioners, there are separately elected officials who manage departments and have authority to act on a variety of matters related to their departments. This would include sheriffs, treasurers, assessors and surveyors. There are also certain elected state officials, district attorneys and presiding circuit judges, who manage agencies in counties and interact with the county government managed by commissions.

The elected officials act as the chief executive officer who oversees an organizational structure that may be made up of various bureaus or divisions. If a person has a distinct economic interest in the department, all public officials in that department, including managers, employees and volunteers would be affected by the application of the legislative or administrative interest provisions.

The term governmental agency is applied to each of these departments and extends up through the organizational structure to the elected chief

executive and on to the county commission. The county commission also has some budget authority over elected state chief executives, such as district attorneys and circuit court judges.

STATE GOVERNMENT

State government consists of three branches, executive, legislative and judicial. Each branch is organized with various departments, boards or commissions. Some of the departments are managed by separately elected chief executive officers, such as the Attorney General, Secretary of State, State Treasurer, Superintendent of Public Instruction and the Commissioner of the Bureau of Labor and Industries. The following is an explanation of how the terms governmental agency and legislative or administrative interest will apply to state agencies:

Legislative Branch

- The Legislative Assembly is a governmental agency when applying the legislative or administrative interest provisions because other state or local governmental agencies, special districts, businesses or various organizations could be economically impacted by legislative actions of the Legislative Assembly. The actions of legislators or members of their staff could impact funding or the expenses of many agencies, organizations or businesses which means that representatives from those entities would have a distinct economic interest in the Legislative Assembly, its members and staff.

Directors of state departments and members of boards and commissions would be impacted by legislative actions of the Legislative Assembly. These actions could impact retention of a position, funding or expenses of their agencies which means that these directors, board or commission members and their agencies would have a distinct economic interest in the Legislative Assembly, its members and staff.

Elected chief executive officers of state agencies would be impacted by legislative actions of the Legislative Assembly. These actions could impact retention of a position, funding and expenses of their agencies which means that these chief executive officers would have a distinct economic interest in the Legislative Assembly, its members and staff.

Executive Branch

The Governor's office is a governmental agency when applying the legislative or administrative interest provisions because, as the elected chief executive officer of state government, the Governor has the authority and responsibility to act on issues that

could have distinct economic impact on many individuals, businesses, organizations, state or local governments and special districts.

- State agency directors, elected or appointed, and members of boards and commissions would be impacted by the legislative or administrative actions of the Governor. They would have a distinct economic interest in actions of the Governor because those actions may impact the retention of their position, funding and expenses of their agencies. This distinct economic interest would affect the Governor and members of the Governor's staff.
- Each state board or commission is a governmental agency when applying the legislative or administrative interest provisions because any economic interest held by one board or commission is not exactly the same as the economic interest held by another board or commission. If a person has a distinct economic interest in a board or commission, all members of the governing body, the director and members of the staff would be affected by the application of the legislative or administrative interest provisions. Boards and commissions do not commonly oversee a staff that is organized into departments. However, if so, any economic interest a person has in a department would affect all public officials in that department and from the manager continue up through the organizational structure of the board or commission, to and including the director and members of the board or commission.
- Each individual state agency in the executive branch, regardless of size, such as the Department of Human Services, is a governmental agency when applying the legislative or administrative interest provisions because any economic interest held by one department is not exactly the same as the economic interest held by another department. If a person has a distinct economic interest in a department, the director, managers and members of the staff could be affected by the application of the legislative or administrative interest provisions.

The effect of the legislative or administrative interest on the director, managers or employees of one executive department would not automatically impact directors, managers or employees of other executive departments if those other departments could not influence the outcome of actions by a department in which a person holds the economic interest. For example, an economic interest in the Department of Employment does not automatically affect the Department of Administrative Services or the Department of Transportation.

- The Department of Justice, Secretary of State, State Treasurer, Department of Education and Bureau of Labor and Industries are separate governmental agencies when applying the legislative or administrative interest provisions because each is managed by an elected chief executive officer and any

economic interest held by one of these agencies is not exactly the same as the economic interest held by the others. The effect of a legislative or administrative interest on the managers or staff within these agencies would be the same as is described in the discussion regarding state departments of the executive branch.

Judicial Branch

Any discussion of the legislative or administrative interest as defined in ORS 244.020(8) applies to provisions related to gifts, both the exceptions to the definition of gift and the restrictions or prohibitions. ORS 244.025(5) specifically excludes members of the Judicial Branch who are subject to the Oregon Code of Judicial Conduct from the restrictions or prohibitions in ORS 244.025. This exemption applies only to judges, not to other public officials in the Judicial Branch.

Judges are required to report certain events on the Quarterly Public Official Disclosure form. Two of those are events that meet the definition of exceptions to the gift definition involve accepting paid expenses for food, lodging and travel from a person other than the judges governmental agency employer. The other is honorarium as defined in ORS 244.020(6).

- The Judicial Department is a governmental agency when applying the legislative or administrative interest provisions. If a person has a distinct economic interest in the actions of the department, the director and department employees would be affected by the application of the legislative or administrative interest provisions. The effect would apply to the director, managers, staff and employees of the department.

SPECIAL DISTRICT GOVERNMENT

There are many special districts that are governed by a board of directors or commissioners. In most cases the authority for actions by these governmental agencies is held by a board and the distinct economic interest would be in the board of directors or commissioners. For special districts the term governmental agency is applied to the governing body and extends through the organizational structure to all subordinate employees or volunteers.

QUESTION: Do public officials employed by the same governmental agency have a legislative or administrative in one another?

ANSWER: In Oregon, governmental agencies have public officials who are elected, appointed, employed or volunteer. Public officials within a governmental agency could have an economic interest in the actions taken by superiors in their governmental agency. Those actions may be personnel actions, duty assignments, resource

allocations or other such decisions that may have a personal economic impact on subordinate employees. If there were intermediate positions where action could impact the outcome of a decision having an economic impact on a public official, the public official would have an economic interest in that intermediate position.

Public officials in any governmental agency, who are subordinate to an official having authority to take action, would have an administrative interest in the superior official because of actions that could have an economic impact on the subordinate public official.

Public officials in any governmental agency, who hold superior positions and oversee public officials in the agency, would not have an administrative interest in actions taken by subordinates because any actions taken by subordinates would not represent a distinct economic impact on the public official holding the superior position.

The following examples are provided to illustrate how the Commission would determine whether public officials within a single governmental agency would have a legislative or administrative interest in positions held by other public officials of the same agency. [For these illustrations the legislative or administrative interest is referred to only as an economic interest]:

- In any city, a city manager or city recorder would have an economic interest in the actions of the city council or commission with regard to retaining a position, gaining a promotion or compensation.
- Employees of any local government would have an economic interest in the position(s) within the governmental agency that have or have been delegated the authority to take action with regard to retaining a position, gaining a promotion or compensation.
- In any county, the county administrator and other employees would have an economic interest in the county commission or any position(s) within the county that have or have been delegated the authority to take action with regard to retaining a position, gaining a promotion or compensation.
- In any county, with governmental agencies managed by an elected official, such as sheriffs, assessors, treasurers or surveyors, the public officials who are overseen by that elected official would have an economic interest in the elected official. The elected officials would have an economic interest in the county commission, if the elected official's compensation or other funding could be impacted by actions of the county commission.

- In most special districts, the managers, employees and volunteers would have an economic interest in the actions of the district's board of directors with regard to retaining a position, gaining a promotion, compensation or other benefits.
- In larger special districts, the managers, employees and volunteers would have an economic interest in the position(s) within the district that have or have been delegated the authority to take action with regard to retaining a position, gaining a promotion, compensation or other benefits.
- State employees of smaller agencies and independent boards or commissions would have an economic interest in the actions of the agency's director, board or commission with regard to retaining a position, gaining a promotion, compensation or other benefits.
- State employees in larger agencies would have a distinct economic interest in their agency's chief executive officer or director, elected or appointed, or in any intermediate position to which authority for action has been delegated for matters such as retaining a position, gaining a promotion, compensation or other benefits.

QUESTION: Do the gift provisions in Oregon Government Ethics law apply when a public official is engaged in personal activities on personal time that may involve interaction with a person who has a legislative or administrative interest in the public official's governmental agency?

ANSWER: When the 2007 revisions of Oregon Government Ethics law became operative the issues raised by this question became more significant. While previous revisions of ORS Chapter 244 placed restrictions on gifts, the newest revisions placed lower limits on the aggregate value of gifts that could be accepted and made the conditions under which gifts could be accepted more restrictive. The restrictions on gifts apply if the source of a gift has a legislative or administrative interest in the public official's governmental agency.

Once a person accepts a position where they meet the definition of "public official" they are also accepting the benefits and restrictions placed on a person holding that position. By enacting the provisions in Oregon Government Ethics law the Legislative Assembly declared "that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the" provisions of ORS Chapter 244. [ORS 244.010(1)]

When a person becomes a public official through an election, appointment, employment or as a volunteer they are a public official until they terminate their public service or public employment. The provisions in ORS Chapter 244 that place requirements or

restrictions on persons who are public officials often create questions regarding the propriety of certain practices or behavior that would not be raised if not for being a public official.

There have been frequent questions as to whether a public official is allowed to accept gifts that are offered on traditional or seasonal occasions when the giving or exchange of gifts is customary. The question of propriety is raised when the source of a traditional or seasonal gift has a legislative or administrative interest in the governmental agency of a public official. In ORS 244.020(5)(b) there are occasions or events that are defined as exceptions to the definition of a gifts and therefore may be accepted. There is no exception for customary gifts that are given or exchanged in accord with tradition or seasons.

There have also been frequent questions as to whether a public official is allowed to accept gifts while engaged in personal business on personal time. The context for these questions is that there are elected or appointed public officials who also own and operate businesses in their private lives and there is often a customary practice for gifts to be offered to owners or managers in these private businesses. The common question is, if the source of such gifts has a legislative or administrative interest in the governmental agency of the public official, do the restrictions on gifts apply?

If the source of any gift has a legislative or administrative interest in the governmental agency represented by the public official, ORS 244.020(5)(b) does not provide an exception for gifts that are given to a public official who is engaged in personal business activity on personal time.

While such gifts would be restricted by Oregon Government Ethics law, the Commission establishes the following guidelines. If observed by a public official, the Commission believes that it would be unreasonable to view gifts offered to or accepted by public officials, regardless a source's legislative or administrative interest, as a practice prohibited by ORS Chapter 244:

1. The ownership or management of the business was clearly established prior to becoming a public official.
2. When holding the public official position the ownership or management of the business must have been clearly established without the public official using the public position or resources.
3. The business is managed on personal time and without the use of the public official's governmental agencies resources.

4. It is clearly established that there is a customary business practice of providing product samples, meals or paid expenses to learn of products and services available to the public official's private business.
5. The offer and acceptance of a gift under these guidelines does not occur while the public official is on time paid by the governmental agency; or at an event at which the public official is attending in an official capacity and the public official is not using agency facilities or other resources.

Lobbyists should remember that ORS Chapter 171 requires them to report lobbying activity expenses. While the Commission believes that it would be unreasonable to view the offer or acceptance of the above described gifts as prohibited by ORS Chapter 244, the lobbyists and client/employer of lobbyists may have to report the expenses for such gifts.

If any person has a question as to how Oregon Government Ethics law may apply to a specific situation a request for a Commission Advisory Opinion can be submitted for that specific situation.

The statutes and rules cited in this opinion are provided as an addendum to this Commission Advisory Opinion.

THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO ORS 244.280. A PUBLIC OFFICIAL OR BUSINESS WITH WHICH A PUBLIC OFFICIAL IS ASSOCIATED SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY ACTION OR TRANSACTION CARRIED OUT IN GOOD FAITH IN RELIANCE ON THIS OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN. OTHER LAWS OR REGULATIONS NOT WITHIN THE JURISDICTION OF THE COMMISSION MAY ALSO APPLY.

Issued by Order of the Oregon Government Ethics Commission at Salem, Oregon on the 15th day of August 2008.

Judith Stiegler, Chairperson

Lynn Rosik, Assistant Attorney General

08A-1003dc

ADDENDUM

RELEVANT STATUTES: The following Oregon Revised Statutes (ORS) are applicable to the issues that are addressed in this opinion:

244.010 Policy. (1) The Legislative Assembly declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.

244.020(5)(a) "Gift" means something of economic value given to a public official or a relative or member of the household of the public official:

244.020(5)(a)(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or members of the household of public officials on the same terms and conditions; or

244.020(5)(a)(B) For valuable consideration less than that required from others who are not public officials.

244.020(5)(b)(F) Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code and that receives less than five percent of its funding from for-profit organizations or entities, for attendance at a convention, fact-finding mission or trip, or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

244.020(5)(b)(H) Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

- (i) On an officially sanctioned trade-promotion or fact-finding mission; or
- (ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

244.020(6) "Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event.

244.020(8) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.

244.020(13) "Public official" means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee, agent or otherwise, irrespective of whether the person is compensated for the services.

244.025 Gift limit; entertainment prohibition. (1) During a calendar year, a public official, a candidate for public office or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest in any governmental agency in which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

244.025(2) During a calendar year, a person who has a legislative or administrative interest in any governmental agency in which a public official holds any official position or over which the public official exercises any authority may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of \$50.

244.025(5) This section does not apply to public officials subject to the Oregon Code of Judicial Conduct.

244.040 Prohibited use of official position or office; exceptions; other prohibited actions. (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

244.040(2) Subsection (1) of this section does not apply to:

244.040(2)(e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.

244.040(2)(f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.

August 15, 2008

Matt C. Markee
Capitol Club President
5605 Inland Shores Way, North, #202
Salem, Oregon 97303

Dear President Markee:

At its August 15, 2008 meeting, the Oregon Government Ethics Commission (Commission) adopted the following advisory opinion:

OREGON GOVERNMENT ETHICS COMMISSION ADVISORY OPINION NO. 08A-1004

STATED FACTS: During the 2007 session, the Oregon Legislative Assembly made some changes to the Oregon Government Ethics law provided in Chapter 244 of the Oregon Revised Statutes. The changes have prompted many questions as to how the Commission will interpret and apply the statutes to a variety of circumstances. The Commission received a letter that was submitted on behalf of the Capitol Club with a wide range of questions some of which related to the application of the gift provisions in Oregon Government Ethics law.

ORS Chapter 244 defines what is considered a gift and what is not considered a gift when applying provisions of Oregon Government Ethics law. The definitions indicate what constitutes a gift offered or accepted by public officials, candidates for public office, their relatives and household members. There are also definitions and provisions that establish specific criteria that, if met, would allow gifts to be offered and accepted.

A gift is defined in ORS 244.020(5)(a) as follows:

“Gift” means something of economic value given to a public official or a relative or member of the household of the public official:

- (A) Without valuable consideration of equivalent value, including full or partial indebtedness, which is not extended to others who are not public officials or the relatives or members of the household of public officials on the same terms and conditions; or
- (B) For valuable consideration less than that required from others who are not public officials.”

This definition of a gift should be used to determine if an offer of something of economic value to a public official, their relatives or household members meets the legal definition of a gift. If a gift, the other revisions to the gift provisions in ORS Chapter 244 would have to be considered before the offer may be made to or accepted by a public official. The revisions that introduced new restrictions and created conditions under which gifts may be offered and accepted have been the source of many questions received by the Commission.

Among many inquiries there was a letter dated 4/21/08 and submitted by Bruce A. Bishop on behalf of the Capitol Club that presented 39 questions as to how the Commission interprets and applies the Oregon Government Ethics law in a variety of hypothetical circumstances. Any opinion on how Oregon Government Ethics law applies to a hypothetical set of circumstances must be framed around the specific set of circumstances presented. Once an opinion is offered its application would only be useful to the specific set of circumstances addressed. The Commission wishes to provide useful information regarding the revisions to Oregon Government Ethics law to as many public officials as is possible while addressing the issues that are raised in the questions presented on behalf of the Capitol Club.

The Commission has chosen to issue three separate Commission Advisory Opinions in response to the Capitol Club request. This one addresses a number of issues related to the application of the gift provisions in Oregon Government Ethics law, another will address legislative or administrative interest [Commission Advisory Opinion No. 08A-1003] and a third will address issues related to the prohibited use of official position or office [Commission Advisory Opinion No. 08A-1005].

For the purposes of the following discussion please note the following:

- When the term public official appears with an asterisk public official* will be referring to the public official, the public official's relatives and the members of the public official's household.
- If the term public official appears without an asterisk it will be only referring to the public official.
- While this opinion addresses Oregon Government Ethics law as the gift provisions apply to public officials*, some of these provisions also apply to candidates for public office, the candidate's relatives and the members of the candidate's household, but this opinion does not address these individuals.

QUESTION: If a public official* is offered payment of expenses or any item that is defined as a gift, what factors should the public official* consider when deciding whether to accept the offer?

ANSWER: When the 2007 revisions of Oregon Government Ethics law became operative, ORS Chapter 244 placed lower limits on the aggregate value of gifts that could be accepted by public officials* and conditions under which gifts could be accepted became more restrictive.

Once a person accepts a position where they meet the definition of "public official" they are also accepting the benefits and restrictions placed on a person holding such positions. By enacting the provisions in Oregon Government Ethics law the Legislative Assembly declared "that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the" provisions of ORS Chapter 244 [ORS 244.010(1)].

A person who becomes a public official through an election, appointment, employment or as a volunteer remains a public official until they terminate their public service or public employment. The revised provisions in ORS Chapter 244 that changed the requirements or restrictions on gifts to public officials* have caused many questions regarding the propriety of certain practices or behavior.

When the Oregon Government Ethics Commission addresses a question regarding the offer of a gift to a public official* it considers the following:

1. Does the offer of paid expenses, discount or other free item meet the definition of a gift as provided in ORS 244.020(5)(a)?

A gift is anything of economic value that is offered and accepted by a person without the person paying or providing any other form of compensation that has an equivalent economic value to what is offered or accepted.

When a gift is offered or accepted by a public official* the gift provisions in Oregon Government Ethics law apply when the terms and conditions of the offer of a gift are different than the terms and conditions that would apply to the same offer being made to those who are not public officials.

This requires a judgment on whether the terms and conditions of a gift offer to a public official are the same terms and conditions that apply to gifts offered to those who are not public officials. The Commission requires that the gift offer must be available to a significant portion of the general public under the same terms and conditions as the offer made to a public official. If a gift is offered to a public official along with everyone in the same room or same facility, such an

- offer would not be considered by the Commission to be available to a significant portion of the general public. The following are some but not all of the factors that would indicate that the offer of a gift is available to a significant portion of the general public:
 - The offer has been advertised through a medium that is normally used to convey such offers to the general public.
 - Access to the venue or setting of the offer is not restricted so as to exclude members of the general public.

However, there are occasions when public officials may be offered discounts or free items of economic value that a public official* should not accept because ORS 244.040(1) would apply and not the provisions related to gifts. Commission Advisory Opinion 08A-1005 discusses ORS 244.040(1).

2. If defined as a gift, does the source of the offer have a legislative or administrative interest in the governmental agency in which the public official holds a position?

There are two concepts in ORS Chapter 244 that must be understood when discussing the issues related to gifts. One is the meaning of a source and the other is the meaning of a legislative or administrative interest.

The Commission adopted an Oregon Administrative Rule [OAR 199-005-0030(2)] to define what person or entity is the "source of a gift." The rule indicates that the source is the person or entity that pays the cost of the gift and does not receive any reimbursement or payment for the gift expense from any other person or entity. The rule uses the term "ultimate payor" in the definition of a source.

ORS 244.020(8) defines a legislative or administrative interest as an economic interest held by the source of a gift in one or more bills, resolutions, regulations, proposals or other matters that are subject to the action or vote of a public official, if that economic interest is distinct from the economic interest held by the general public.

Commission Advisory Opinion No. 08A-1003 addresses questions related to the definition and application of a legislative or administrative interest. That opinion should be used as a reference in conjunction with this opinion because it describes what constitutes a governmental agency and identifies public officials affected by a source's legislative or administrative interest.

It is important to determine if the source of a gift has a legislative or administrative interest because the existence of that interest determines whether there are any restrictions on what can be offered and accepted by a public official.

3. If defined as a gift from a source with a legislative or administrative interest, what are the limits or restrictions that would apply?

Whether the source of a gift has a legislative or administrative interest is important because it determines if the gift can be accepted without limit or if the gift can be accepted with restrictions.

UNLIMITED GIFTS

ORS 244.040(2)(f) allows a public official* to accept, without limit, items of economic value, if defined as gifts, from a source that could not be reasonably known to have a legislative or administrative interest in the governmental agency represented by the public official.

\$50 GIFT LIMIT

ORS 244.025(1) and (2) restricts items defined as gifts that a public official* may be offered or accept. If a public official* could reasonably know that the source of a defined gift has a legislative or administrative interest in the governmental agency represented by the public official, the public official* may not be offered or accept gifts when the aggregate value of gifts from a single source, in one calendar year, exceeds \$50.

The \$50 limit on the aggregate value of gifts has been the cause for several lines of inquiry. Some have asked if the value of gifts to a relative of the public official is to be included with the value of gifts to the public official when calculating the aggregate value of gifts given to a public official. The Commission adopted OAR 199-005-0030(3) to clarify that the \$50 annual gift limit in ORS 244.025 applies separately to the public official and to the public official's relatives or members of household. This means that each individual may be offered and may accept gifts from a single source with an aggregate value of \$50 per calendar year in accordance with the conditions described in ORS 244.025.

Others have asked what records must be maintained by the public official or the source with regard to gift giving. ORS 244.025 does not require a public official or a source to maintain a record of the value of gifts given and accepted to insure compliance with the \$50 limit on the aggregate value of gifts. It may be prudent to do so, but it is not a practice that is required. The Commission also adopted

OAR 199-005-0030(1) which makes it the public official's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source of the gift has a legislative or administrative interest in the governmental agency the public official represents.

There are also questions regarding the notice and reporting requirements. For items of economic value that are defined as gifts in ORS 244.020(5)(a) and limited by ORS 244.025 there is no statutory requirement for the source to give the public official a notice of the value of the item. A source may do so as a matter of courtesy to the public official, but it is not required. The Commission adopted OAR 199-005-0005(4) which states that upon request by the public official, the source shall give notice of the value of the merchandise, goods or services received.

The public official is not required to report receipt of gifts as defined in ORS 244.020(5)(a) and subject to the \$50 limit imposed by ORS 244.025.

If lobbyists or the clients or employers of lobbyists are the source of paid expenses for food and refreshment that is defined as a gift in ORS 244.020(5)(a) and it is a lobbying activity expense, it is required to be included in the quarterly reports as a lobbying activity expense.

ENTERTAINMENT

One significant revision to ORS Chapter 244 was to prohibit any gifts of the payment of expenses for entertainment for the benefit of public officials* from sources that have a legislative or administrative interest in the governmental agency which the public official represents.

The Commission adopted OAR 199-005-0025(4) which defines entertainment as amusement or diversion. Entertainment may include circumstances where the entertainment is provided by others, such as a sporting event, but it also includes events where the public official* personally participates, such as a golf tournament. Some examples of entertainment include, but are not limited to concerts, plays, movies, operas, sporting events, participation in sports (such as golfing, skiing, hunting or fishing), comedy shows, and similar events.

ORS 244.025(4)(a) and (b) prohibit offers to public officials* and their acceptance of any gifts of the payment of expenses for entertainment. As with other gifts, the first issue to resolve is whether the source of the gift has a legislative or administrative interest in the governmental agency which the public official represents. If the source has a legislative or administrative interest, as discussed

in Commission Advisory Opinion 08A-1003, then the offer may not be extended to a public official* and the public official* must not accept the offer.

ORS 244.020(5)(b) provides the description of two types of events that could include entertainment. If an event conforms to the descriptions provided in ORS 244.020(5)(b)(M) and ORS 244.020(5)(b)(N) the entertainment provided to a public official* is not defined as a gift as used in ORS Chapter 244.

ORS 244.020(5)(b)(M) allows a public official* to accept entertainment when the public official is appearing in an official capacity at an event and the entertainment provided is incidental to the main purpose of the event.

OAR 199-005-0025(3) defines "incidental" as secondary or minor, but associated to something more important. Entertainment that is incidental to the main purpose of another event is provided in conjunction with a primary event, such as a singer or band at an awards dinner. This incidental entertainment must be secondary in importance and in time devoted to the entertainment compared to the primary purpose for the event. This rule specifically prohibits entertainment that involves personal participation to be incidental to another event. For example, participation in a golf tournament at a conference would not be incidental and would not be allowed under ORS 244.020(5)(b)(M).

ORS 244.020(5)(b)(N) allows a public official* to accept entertainment when the public official is representing the public official's unit of government in an official capacity at an event and the public official is appearing for a ceremonial purpose.

OAR199-005-0025(5) provides that a public official appears at an event for a ceremonial purpose when the source of the entertainment requests the presence of the public official at a special occasion associated with the entertainment. Public officials should be aware that the gift exception provided for ceremonial purposes in ORS 244.020(5)(b)(N) only allows the entertainment to be provided to the public official and staff members that may be accompanying the public official if the staff members are performing official duties. This exception does not allow entertainment to be provided to relatives or household members. Additionally, to qualify as an exception to the definition of a gift, the entertainment must be provided by the source of the entertainment and the public official must have an official role in the event, such as appearing in a parade or throwing the first pitch at a baseball game.

QUESTION: If a public official is offered something of economic value that is excluded from the definition of a gift, what are the conditions for accepting the offer and what restrictions would apply?

ANSWER: ORS 244.020(5)(b) describes fourteen separate exceptions that describe circumstances when public officials may accept paid expenses from a source that has a legislative or administrative interest in the governmental agency represented by the public official. These paid expenses to participate in the events or to accept the items are specifically excluded from the definition of a gift.

If the expenses paid for a public official are excluded from the definition of a gift, it exempts the public official from some gift restrictions in ORS Chapter 244 and it creates obligations. The impact will be discussed elsewhere but is summarized as follows:

- These payments are allowed because they are exceptions from the definition of gift.
- The value of the item that is allowed is not included when calculating the aggregate value of gifts given to a public official because the paid expenses are not defined as a gift.
- Two of the events that allow a public official to accept payment for reasonable expenses for food, lodging and travel require the public official, who completes the Quarterly Public Official Disclosure form, to list these events.
- One of the events that allows a public official to accept payment for reasonable expenses for food, lodging and travel requires the source of the payment to give the public official a written notice of the value of the paid expenses.

Most of the questions received by the Commission regarding gifts involve occasions that usually include the offer of food, beverage, lodging, travel or awards. The following discussion will address the provisions in ORS 244.020(5)(b) that describe the conditions for such offers to be excluded from the definition of a gift:

FOOD, BEVERAGE AND REFRESHMENT

How would the gift exceptions apply to events that offer food, beverage and refreshment to public officials?

SPEAKING ENGAGEMENTS: ORS 244.020(5)(b)(E) allows public officials to accept admission or consume food or beverage at a reception, meal or meeting where the public official appears to speak or to answer questions as part of a scheduled program. This exception also allows household members or staff accompanying the public official who is speaking to accept the same.

OAR 199-005-0015 is intended to clarify the purpose of the exception identified in ORS 244.020(5)(b)(E) as to allow public officials to attend organized, planned

events to speak, answer questions, participate in panel discussions or otherwise formally address matters in their official capacity. This exception does not allow private meals where participants merely engage in discussions.

For example, a membership organization invites a member of the Oregon Legislative Assembly to speak in their official capacity at a meeting hosted by the organization. The legislative official delivers a formal speech and is provided a meal along with the other one hundred people in attendance at the meeting. The legislative official may accept the meal and the cost of the meal is an exception to the definition of a gift allowed by ORS 244.020(5)(b)(E).

FINANCIAL TRANSACTIONS: ORS 244.020(5)(b)(I)(i) allows food or beverage consumed by a public official acting in an official capacity when in association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between a state government, a local government or a special governmental body and a private entity or public body.

For example, a governmental agency is purchasing a building from a private entity. At a meeting to review the documents that will be signed by both parties at the closing of the financial transaction, the private entity provides a meal for those in attendance. The public officials may accept the meal and the cost of the meal is an exception to the definition of a gift allowed by ORS 244.020(5)(b)(I)(i).

RECEPTIONS: ORS 244.020(5)(b)(L) allows food or beverage consumed by a public official at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage. OAR199-005-0005(5) allows public officials to accept food and beverage provided as an exception to the gift definition under ORS 244.020(5)(b)(L) without regard to the fair market value of the food and beverage provided.

OAR 199-005-0015(2)(d) defines a reception as a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal. OAR 199-005-0025(3) defines incidental as secondary or minor, but associated to something more important.

For example, several public officials attend a reception welcoming newly elected officials of the Oregon Legislative Assembly to Salem. Three hundred people have been invited to attend the reception and there is no cost to attend. The reception includes a one hour program with speakers and presentations and has a table offering incidental food and beverage to all in attendance. The public

officials may accept the food and beverage as it is provided as an incidental part of the reception and no cost is placed on the food or beverage. The food and beverage is an exception to the definition of a gift allowed by ORS 244.020(5)(b)(L).

Governmental agencies that employ public officials or that public officials represent may provide food, beverage or refreshment to their own public officials particularly with meetings conducted during regular meal times. The gift provisions related to food, beverage and refreshment do not apply to these practices.

FOOD, LODGING AND TRAVEL

How would the gift exceptions apply to events that offer paid expenses for food, lodging and travel to public officials from sources other than the public body that employs the public official, or that the public official represents in their official capacity?

The Commission receives many questions regarding the conditions or circumstances that must be met for public officials to be allowed to accept paid expenses from a source other than their public employer for reasonable expenses for food, lodging and travel.

There are two exceptions to the definition of a gift that would allow public officials to accept such expenses. They are ORS 244.020(5)(b)(F) and ORS 244.020(5)(b)(H).

ORS 244.020(5)(b)(F): This exception to the gift definition allows public officials to accept the payment of reasonable expenses from the following sources to speak, make a presentation, participate on a panel or represent their governmental agencies at a convention, fact-finding mission or trip:

- Any unit of federal, state or local government.
- Some Native American tribes.
- Membership organizations to which public bodies pay membership dues.
- Some not-for-profit corporations.

ORS 244.020(5)(b)(H): This exception to the gift definition allows public officials* to accept reasonable expenses provided to a public official* or accompanying staff member, when the public official is representing their governmental agency on one of the following:

- An officially sanctioned trade-promotion or fact-finding mission.
- Officially designated negotiations or economic development activities, where receipt of the expenses is approved in advance.

The Commission adopted OAR 199-005-0020 to clarify and define terms used for the two gift exceptions described in ORS 244.020(5)(b)(F) and ORS 244.020(5)(b)(H).

Public officials who accept the payment of reasonable expenses for food, lodging and travel as an exception to the definition of a gift under ORS 244.020(5)(b)(F) or ORS 244.020(5)(b)(H) who are required to complete the Annual Verified Statement of Economic Interest (SEI) form [ORS 244.050] must list the events and expenses they received on their Quarterly Public Official Disclosure (QPOD) form when any expenses with an aggregate value exceeding \$50 are received by the public official under these exceptions.

Public officials who are not required to complete the SEI form do not have a reporting requirement.

Any source that provides a public official with expenses with an aggregate value exceeding \$50 for an event described in ORS 244.020(5)(b)(F) is required by ORS 244.100(2)(a) to notify the public official in writing of the amount of the expenses within ten days from the date the expenses are incurred.

For example, a membership organization to which a public body pays membership dues invites a public official to make a formal presentation at their annual meeting. The public official could accept reasonable expenses for attendance at the meeting as allowed by ORS 244.020(5)(b)(F), but the membership organization would be required to notify the public official in writing of the amount of the expenses (for example, \$350) and if the public official is required to complete the SEI form, the public official must list the event and expenses they received on their QPOD form. In another example, a public official could accept reasonable food, lodging or travel expenses from a private entity when the public official is on an officially sanctioned trade-promotion mission as allowed by ORS 244.020(5)(b)(H). There is no requirement for the private entity to notify the public official of the amount of the reasonable expenses (for example, \$1000), but the private entity should do so as a matter of courtesy because if the public official is required to complete the SEI form, the public official must list the event and the expenses they received on their QPOD form.

Governmental agencies that employ public officials or that public officials represent will often provide or reimburse reasonable expenses to their own public

officials for food, lodging and travel expenses incurred in the conduct of their official duties. The gift provisions related to food, lodging and travel do not apply to these practices.

AWARDS

How would the gift exceptions apply to awards that are offered to public officials?

ORS 244.020(5)(b)(C) allows public officials to accept unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than \$25.

The Commission adopted OAR 199-005-0010 to assist public officials in determining the resale value of items provided under ORS 244.020(5)(b)(C). Engraved or otherwise personalized items that include a public official's name are deemed to have a resale value under \$25 unless the personalized item is made from gold or some other valuable material that would have a value over \$25 as a raw material.

For example, a public official is awarded an unsolicited, engraved plaque as a token of appreciation from a vendor their governmental agency does business with. The public official may accept the engraved plaque if it is unsolicited and the resale value of the plaque is reasonably expected to be less than \$25. This plaque is an exception to the definition of a gift allowed by ORS 244.020(5)(b)(C).

As mentioned previously, there are fourteen separate occasions that provide a criteria that, when met, would allow public officials to accept the paid expenses from a source that has a legislative or administrative interest in the governmental agency represented by the public official. These allow the public official to participate in events or to accept items because they are specifically excluded from the definition of a gift. This opinion does not address all fourteen exceptions; it does address the exceptions that apply to a variety of circumstances for which questions are frequently asked.

The statutes and rules cited in this opinion are provided as an addendum to this Commission Advisory Opinion.

THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO ORS 244.280. A PUBLIC OFFICIAL OR BUSINESS WITH WHICH A PUBLIC OFFICIAL IS ASSOCIATED SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY ACTION OR TRANSACTION CARRIED OUT IN GOOD FAITH IN RELIANCE ON THIS OPINION. THIS OPINION IS LIMITED TO THE

Matt C. Markee
Advisory Opinion 08A-1004
August 15, 2008
Page 13

FACTS SET FORTH HEREIN. OTHER LAWS OR REGULATIONS NOT WITHIN THE JURISDICTION OF THE COMMISSION MAY ALSO APPLY.

Issued by Order of the Oregon Government Ethics Commission at Salem, Oregon on the 15th day of August 2008.

Judith Stiegler, Chairperson

Lynn Rosik, Assistant Attorney General

08A-1004dt

ADDENDUM

RELEVANT STATUTES: The following Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) are applicable to the issues that are addressed in this opinion:

OAR 199-005-0005(4) Upon request by the public official, the source shall give notice of the value of the merchandise, goods, or services received.

OAR 199-005-0005(5) Attendance at receptions that qualify as an exception to the gift definition under ORS 244.020(5)(b)(L) is permitted without regard to the fair market value of the food and beverage provided.

OAR 199-005-0010(1) The purpose of this rule is to assist public officials in determining the resale value of items provided under ORS 244.020(5)(b)(C).

OAR 199-005-0010(2) Engraved or otherwise personalized items that include a public official's name are deemed to have a resale value under \$25, unless the personalized

OAR 199-005-0015(1) The purpose of this exception is to allow public officials to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussion or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion. The following list of factors may indicate whether expenditures are permitted under this exception, although the event may qualify even if not every factor is met"

OAR 199-005-0015(1)(a) A large number of people or groups are invited. For example, all members of an organization are invited.

OAR 199-005-0015(1)(b) The invitations or programs are sent in advance.

OAR 199-005-0015(1) (c) The event is publicized.

OAR 199-005-0015(1)(d) The reception, meal, or meeting is open to the public.

OAR 199-005-0015(1)(e) Written materials such as a printed program are available.

OAR 199-005-0015(1)(f) The public official delivers a planned speech or remarks to the entire audience.

OAR 199-005-0015(1)(g) The public official participates in a formal question and answer session before the entire audience.

OAR 199-005-0015(2) The following definitions apply to this rule.

OAR 199-005-0015(2)(a) "Organization" means any public body, corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust, or other entity other than an individual.

OAR 199-005-0015(2)(b) "Speak means to give a speech or otherwise formally address or converse with members of the organization or participants at a reception, meal, or meeting. Self introductions or other perfunctory remarks do not constitute speaking for the purposes of this exception.

OAR 199-005-0015(2)(c) "Answer Questions" means to engage in formal discussion, such as on a panel or some other arrangement, where a moderator or the participants of the reception, meal, or meeting ask questions to a public official.

OAR 199-005-0015(2)(d) "Reception" means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.

OAR 199-0050-0020(1) The purpose of this rule is to provide definitions and clarification for two of the gift exceptions that permit public officials to accept payment for travel conducted in the public official's official capacity, for certain limited purposes. Travel that meets the requirements of ORS 244.020(5)(b)(F) or (H) and this rule may be either within the United States or international.

OAR 199-0050-0020(2) As this term is used in ORS 244.020(5)(b)(F) and (H), "representing" a unit of government (state, local or special government body) means that the public official is making an authorized appearance in an official capacity on behalf of the public body. Unless the employing public body determines otherwise in advance of the travel, the following is sufficient to constitute prior authorization:

OAR 199-0050-0020(2)(a) A supervisor may approve the public official's representation;

OAR 199-0050-0020(2)(b) A governing board or commission of a public body may approve the representation of the governing board members or commissioners, respectively;

OAR 199-0050-0020(2)(c) An appointed committee of legislators may approve the representation of individual legislators; or

(d) Individual elected officials, such as the governor, judges, district attorneys or local or statewide elected officials, may authorize their own appearances.

OAR 199-0050-0020(3) As the term is used in ORS 244.020(5)(b)(F), a "not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code and that receives less than five percent of its funding from for-profit organizations or entities" is determined to qualify as an eligible not-for-profit corporation meeting the 5% threshold by the information on the most recent tax return filed by the organization prior to the time the expenses for authorized travel were incurred.

OAR 199-0050-0020(4) For purposes of ORS 244.020(5)(b)(H),

OAR 199-0050-0020(4)(a) A "fact finding mission" is any activity related to a cultural or educational purpose, or any activity aimed at providing intergovernmental assistance, such as for the purpose of international aid or sharing best practices, or developing intergovernmental relationships directly related to the public official's duties. The sponsor of a fact finding mission should be directly and immediately associated with the event or location being visited.

OAR 199-0050-0020(4)(b) "Trade Promotion" means an activity for the purpose of encouraging or developing commerce or the buying and selling of goods and services.

OAR 199-0050-0020(4)(c) "Economic Development Activities" mean activities undertaken for the purpose of strengthening, expanding, or enhancing the economy, or activities that provide community development or cultural enhancement. Specific activities include, but are not limited to: promoting tourism; promoting a favorable investment climate to strengthen businesses; creating jobs; raising real wages; assisting Oregon communities to build a capacity to retain, expand or attract business; improving national and global competitiveness of Oregon companies; improving transportation access; and marketing products, services, or opportunities.

OAR 199-0050-0020(4)(d) "Officially Sanctioned" means approved by a state or local public body in writing by a person authorized by the public body to provide that approval, or at a public meeting by the governing body to the public body. Unless the public body determines otherwise, the following is sufficient to constitute officially sanctioned:

OAR 199-0050-0020(4)(d)(A) A supervisor may approve expenses for an employee;

OAR 199-0050-0020(4)(d)(B) A governing board or commission of a public body may approve expenses for governing board members or commissioners, respectively;

OAR 199-0050-0020(4)(d)(C) An appointed committee of legislators may approve expenses for individual legislative officials; or

OAR 199-0050-0020(4)(d)(D) Individual elected officials, such as the governor, judges, district attorneys or local or statewide elected officials may authorize their own expenses.

OAR 199-0050-0020(4)(d)(E) Local or statewide executive department heads who do not report to a supervisor may authorize their own expenses.

OAR 199-0050-0020(4)(e) "Expenses Approved in Advance" means expenses approved by the public body, either in writing by a person authorized by the public body to provide that approval, or at a public meeting by the governing body to the public body before the time of the activity. Unless the public body determines otherwise, the following is sufficient to constitute authorization:

OAR 199-0050-0020(4)(e)(A) A supervisor may approve expenses for an employee;

OAR 199-0050-0020(4)(e)(B) A governing board or commission of a public body may approve expenses for governing board members or commissioners, respectively;

OAR 199-0050-0020(4)(e)(C) An appointed committee of legislators may approve expenses for individual legislative officials; or

OAR 199-0050-0020(4)(e)(D) Individual elected officials, such as the governor, judges, district attorneys or statewide elected officials, may authorize their own expenses.

OAR 199-005-0025(1) The purpose of this rule is to clarify terms used in the three gift exceptions in ORS 244.020(5)(b)(L), (M) and (N).

OAR 199-005-0025(2) A "reception" means a social gathering as defined in OAR 199-005-0015(2)(d).

OAR 199-005-0025(3) "Incidental" means secondary or minor, but associated to something more important. Entertainment that is incidental to the main purpose of another event is provided in conjunction with a primary event (such as a singer or band at an awards dinner). Incidental entertainment is secondary in importance and its time devoted to the entertainment compared to the primary, non-entertainment event. Entertainment that involves person participation is not incidental to another event (such as a golf tournament at a conference).

OAR 199-005-0025(4) "Entertainment" means amusement or diversion. Entertainment may be provided by others (such as athletes at sporting events) but also includes events where the public official, relative, or member of the household personally participates. Examples of entertainment include, but are not limited to concerts, plays, movies, operas, sporting events, participating in sports (golf, skiing, hunting or fishing, etc), comedy shows, and similar events.

OAR 199-005-0025(5) A public official appears at an entertainment event for a "ceremonial purpose" when the source of the entertainment requests the presence of the public official at a special occasion associated with the entertainment. Staff members accompanying a public official may also attend if they are performing official duties. An example of an appearance by a public official at an entertainment event for a ceremonial purpose includes, but is not limited to, throwing the first pitch at a professional or college baseball game, appearing in a parade, and ribbon cutting for an opening ceremony. To qualify, the entertainment must be provided by the source of the entertainment, and the public official must have an official role in the entertainment event.

OAR 199-005-0025(6) "Representing" state, local or special government bodies has the meaning defined in OAR 199-005-0020(2).

OAR 199-005-0030(1) ORS 244.025 and 244.040(2)(e) limit the offering and receipt of gifts from sources that could reasonably be known to have a legislative or administrative interest in the governmental agency over which the public official holds any official position or over which the official exercises any authority. This rule is intended to clarify how a public official determines who the source of the gift is. Public officials need to be aware of the source of any gifts they receive (or those that are received by their relatives or members of their household), regardless of amount, to make sure that they comply with the \$50 limit on gifts from a single source in a calendar year. To that end, public officials should not accept gifts in any amount without obtaining information from the person or entity offering the gift as to who is the source of the gift. It is the public official's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest.

OAR 199-005-0030(2) The source of any gift provided to a public official is the ultimate payor(s) of the expense.

OAR 199-005-0030(3) The \$50 gift limit in ORS 244.025 applies separately to the public official or candidate, and to the public official or candidate's relatives or members of household. Each such individual may accept gifts from a single source of a total of \$50 per calendar year.

244.010 Policy. (1) The Legislative Assembly declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.

244.020(5)(a) "Gift" means something of economic value given to a public official or a relative or member of the household of the public official:

244.020(5)(a)(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or members of the household of public officials on the same terms and conditions; or

244.020(5)(a)(B) For valuable consideration less than that required from others who are not public officials.

244.020(5)(b) "Gift" does not mean:

244.020(5)(b)(A) Contributions as defined in ORS 260.005.

244.020(5)(b)(B) Gifts from relatives or members of the household of the public official.

244.020(5)(b)(C) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than \$25.

244.020(5)(b)(D) Informational material, publications or subscriptions related to the recipient's performance of official duties.

244.020(5)(b)(E) Admission provided to or the cost of food or beverage consumed by a public official, or a member of the household or staff of the public official when accompanying the public official, at a reception, meal or meeting held by an organization before whom the public official appears to speak or to answer questions as part of a scheduled program.

244.020(5)(b)(F) Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code and that receives less than five percent of its funding from for-profit organizations or entities, for attendance at a convention, fact-finding mission or trip, or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

244.020(5)(b)(G) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

244.020(5)(b)(H) Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

244.020(5)(b)(H)(i) On an officially sanctioned trade-promotion or fact-finding mission;
or

244.020(5)(b)(H)(ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

244.020(5)(b)(I) Food or beverage consumed by a public official acting in an official capacity:

244.020(5)(b)(I)(i) In association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;

244.020(5)(b)(I)(ii) While engaged in due diligence research or presentations by the office of the State Treasurer related to an existing or proposed investment or borrowing;
or

244.020(5)(b)(I)(iii) While engaged in a meeting of an advisory, governance or policy-making body of a corporation, partnership or other entity in which the office of the State Treasurer has invested moneys.

244.020(5)(b)(J) Waiver or discount of registration expenses or materials provided to a public official at a continuing education event that the public official may attend to satisfy a professional licensing requirement.

244.020(5)(b)(K) Expenses provided by one public official to another public official for travel inside this state to or from an event that bears a relationship to the receiving public official's office and at which the official participates in an official capacity.

244.020(5)(b)(L) Food or beverage consumed by a public official at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

244.020(5)(b)(M) Entertainment provided to a public official or a relative or member of the household of the public official that is incidental to the main purpose of another event.

244.020(5)(b)(N) Entertainment provided to a public official or a relative or member of the household of the public official where the public official is acting in an official capacity while representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 for a ceremonial purpose.

244.020(8) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.

244.020(9) "Member of the household" means any person who resides with the public official.

244.020(12) "Public office" has the meaning given that term in ORS 260.005.

244.020(13) "Public official" means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee, agent or otherwise, irrespective of whether the person is compensated for the services.

244.020(14) "Relative" means:

244.020(14)(a) The spouse of the public official;

244.020(14)(b) The domestic partner of the public official;

244.020(14)(c) Any children of the public official or of the public official's spouse;

244.020(14)(d) Siblings, spouses of siblings or parents of the public official or of the public official's spouse;

244.020(14)(e) Any individual for whom the public official has a legal support obligation;
or

244.020(14)(f) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment.

244.020(15) "Statement of economic interest" means a statement as described by ORS 244.060, 244.070 or 244.100.

244.025 Gift limit; entertainment prohibition. (1) During a calendar year, a public official, a candidate for public office or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest in any governmental agency in which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

244.025(2) During a calendar year, a person who has a legislative or administrative interest in any governmental agency in which a public official holds any official position or over which the public official exercises any authority may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of \$50.

244.025(3) During a calendar year, a person who has a legislative or administrative interest in any governmental agency in which a candidate for public office if elected would hold any official position or over which the candidate if elected would exercise any authority may not offer to the candidate or a relative or member of the household of the candidate any gift or gifts with an aggregate value in excess of \$50.

244.025(4) Notwithstanding subsection (1) of this section:

244.025(4)(a) A public official, a candidate for public office or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or payment of expenses for entertainment from any single source that could reasonably be known to have a legislative or administrative interest in any governmental agency in which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

244.025(4)(b) A person who has a legislative or administrative interest in any governmental agency in which a public official holds any official position or over which the public official exercises any authority may not offer to the public official or a relative or member of the household of the public official any gift or payment of expenses for entertainment.

244.025(4)(c) A person who has a legislative or administrative interest in any governmental agency in which a candidate for public office if elected would hold any official position or over which the candidate if elected would exercise any authority may not offer to the candidate or a relative or member of the household of the candidate any gift of payment of expenses for entertainment.

244.025(5) This section does not apply to public officials subject to the Oregon Code of Judicial Conduct.

244.040 Prohibited use of official position or office; exceptions; other prohibited actions. (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

244.040(2) Subsection (1) of this section does not apply to:

244.040(2)(a) Any part of an official compensation package as determined by the public body that the public official serves.

244.040(2)(b) The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042.

244.040(2)(c) Reimbursement of expenses.

244.040(2)(d) An unsolicited award for professional achievement.

244.040(2)(e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.

244.040(2) (f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.

244.040(2) (g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.

244.040(2) (h) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

244.100 Statements of expenses, honoraria or income received; statements to be provided to public official. (1) A public official or candidate for public office who is required to file a statement of economic interest under ORS 244.050 shall file with the Oregon Government Ethics Commission, according to the schedule set forth in ORS 244.105, a statement showing for the applicable reporting period:

244.100(a) Any expenses with an aggregate value exceeding \$50 received by the public official when participating in a convention, mission, trip or other meeting described in ORS 244.020 (5)(b)(F). The statement shall include the name and address of the organization or unit of government paying the expenses, the nature of the event and the date and amount of the expenditure.

244.100(b) Any expenses with an aggregate value exceeding \$50 received by the public official when participating in a mission or negotiations or economic development activities described in ORS 244.020 (5)(b)(H). The statement shall include the name and address of the person paying the expenses, the nature of the event and the date and amount of the expenditure.

244.100(c) All honoraria allowed under ORS 244.042 exceeding \$15 received by the public official, candidate or member of the household of the official or candidate, the payer of each honorarium and the date and time of the event for which the honorarium was received.

244.100(d) Each source of income exceeding an aggregate amount of \$1,000, whether or not taxable, received by the public official or candidate for public office, or a member of the household of the public official or candidate, if the source of that income is derived from an individual or business that has been doing business, does business or could reasonably be expected to do business with, or has legislative or administrative interest in, the governmental agency of which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

244.100(2) In addition to statements required under subsection (1) of this section:

244.100(2)(a) Any organization or unit of government that provides a public official with expenses with an aggregate value exceeding \$50 for an event described in ORS 244.020 (5)(b)(F) shall notify the public official in writing of the amount of the expense. The organization or unit shall provide the notice to the public official within 10 days from the date the expenses are incurred.

August 15, 2008

Matt C Markee
Capitol Club President
5605 Inland Shores Way, N., #202
Salem, Oregon 97303

Dear President Markee:

At its August 15, 2008 meeting, the Oregon Government Ethics Commission (Commission) adopted the following advisory opinion:

OREGON GOVERNMENT ETHICS COMMISSION ADVISORY OPINION NO. 08A-1005

STATED FACTS: During the 2007 session of the Oregon Legislative Assembly revised the Oregon Government Ethics law provided in Chapter 244 of the Oregon Revised Statutes. The changes have prompted many questions as to how the Commission will interpret and apply the statutes to a variety of circumstances. The Commission received a letter that was submitted on behalf of the Capitol Club with a wide range of questions some of which related to the Commission's understanding of the "prohibited use of official position" that is setout in ORS 244.040(1).

Public officials experience a wide variety of circumstances that require them to make decisions as to whether they may accept an opportunity for financial gain or to avoid a financial cost. A clear understanding of what constitutes the prohibited use of an official position or office and how it applies in various circumstances equips a public official to exercise good judgment. That is important because Oregon Government Ethics law places the emphasis on the public official's personal responsibility to avoid the use of an official position or office to obtain a prohibited financial gain or to avoid a financial detriment for the public official, a relative of the public official or a business with which either are associated.

Prohibited use of official position or office is described in ORS 244.040(1) as follows:

A public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public officials holding of the official position or office.

Many of the questions seek clarification as to whether and under what circumstances public officials could accept a financial benefit. ORS 244.040(2) describes the financial benefits that a public official may accept and those are summarized as follows:

- Official compensation package
- Honorarium as permitted in ORS 244.042
- Expenses reimbursed by employer
- Unsolicited awards for professional achievement
- Gifts that do not exceed the limits specified in ORS 244.025
- Gifts received from a source when the source could not be reasonably known to have a legislative or administrative interest in the public official's governmental agency.
- Any item received by a public official, regardless of value, that is expressly excluded from the definition of a gift
- Contributions made to a legal expense trust fund

When ORS 244.040(1) was revised the exceptions related to what financial gain public officials may accept were increased in number. It is important to note that, if the source of a gift does not have a legislative or administrative interest in the governmental agency represented or served by the public official, there is no prohibition or limit on gifts that can be accepted from that source. This was a significant change and has increased the need to understand what constitutes a "legislative or administrative interest" because it is determinative in whether a public official may accept a financial benefit.

In a letter dated 4/21/08 and submitted by Bruce A. Bishop on behalf of the Capitol Club he presented 39 questions as to how the Commission interprets and applies the Oregon Government Ethics law in a variety of circumstances. A number of his questions were related to circumstances in which the prohibition of the use or attempted use of an official position or office may apply.

The Commission has chosen to issue three separate Commission Advisory Opinions in response to the Capitol Club request. This one addresses prohibited use of official position or office. Another opinion addresses the issues related to legislative or administrative interest [Commission Advisory Opinion 08A-1003] and a third addresses issues related to gifts [Commission Advisory Opinion 08A-1004].

QUESTION: How does a public official know whether ORS 244.040(1) would apply when they are met with an opportunity to gain a financial benefit or to avoid a personal expense?

ANSWER: Oregon Government Ethics law applies to all public officials. It is important to remember who is defined as a public official for the purposes of applying the provisions in ORS Chapter 244. A public official can be a person who is elected or appointed to a position with a governmental agency. A public official can be employed by or volunteer to serve a government agency. Governmental agencies can be state or local agencies or special districts. Public official is defined in ORS 244.020(13) as follows:

“Public official” means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee, agent or otherwise, irrespective of whether the person is compensated for the services.

There are provisions in Oregon Government Ethics law that would apply to actions of a public official that may result in a financial benefit or the avoidance of a financial detriment to the public official. Those same provisions apply to a public official's actions that may result in a financial benefit or the avoidance of a financial detriment of a public official's relative, a member of the public official's household or a business with which any of these are associated.

The key to understanding ORS 244.040(1) is to understand the term “but for.” A public official is prohibited from using the position held as a public official to gain a financial benefit or to avoid a personal expense through an opportunity that would not be available if not for holding the position as a public official.

There are a variety of circumstances to which this provision may apply. A public official cannot use the government agency's resources [compensated time, vehicles, office equipment, and supplies for personal business. It means that a public official may not use agency money for personal expenses, but they can be compensated or reimbursed for personal costs incurred while engaged in official agency business. It also means that when engaged in official business a public

official cannot accept a financial benefit if that opportunity would not be available but for the public official, in an official capacity, being engaged in official business. It does not prohibit a government agency from paying lawfully incurred expenses that may benefit public employees who are participating in agency activities.

The Commission staff receives questions about money or resources provided by a source to a governmental agency. Upon receipt, the government agency decides to use the money or resource in a variety of ways that benefit public officials of the agency and illustrated as follows:

- A scholarship for an employee that includes paid expenses for registration, food, lodging and travel to attend a conference related to official agency business.
- Money, facilities or resources used by the government agency to provide public officials of the agency with an event that includes food, beverage, meals or awards.

Once a person or entity gives a government agency money or other resources it becomes the government agency's asset. A donation to a governmental agency is not a personal benefit to a public official. ORS 244.040(1) addresses a public official's personal use of office and does not address what is given to a government agency. Government agencies decide how to use its assets and some uses may benefit the agency's public officials in the form of compensation, reimbursement or other paid expenses related to official agency activity. A public official from the agency may not convert a donation of money or other resource to the public official's personal benefit as such action may violate ORS 244.040(1).

There are also questions as to the propriety of a government agency using its resources to provide an event that may include meals, beverages or refreshments. The following will illustrate some recurring variations:

- A government agency provides an awards banquet and pays for the facilities, meals and awards for public officials from the agency.
- A government agency gives money to a non-governmental organization and the organization provides a training conference for public officials from the agency that gave a donation as well as public officials from other government agencies.

Again, questions about how government agencies use the agency's resources are not addressed in Oregon Government Ethics law. The issues raised in these illustrations relate to whether a public official may accept what is being offered by the public official's government agency employer or by a non-governmental organization. The answer depends on the source of the benefit and if the source has a legislative or administrative interest in the governmental agency represented by the public official. If a government agency provides an awards banquet for the agency's own employees it would not be prohibited by ORS 244.040(1).

If a non-governmental organization offered a training conference to public officials from various governmental agencies it would be defined as a gift. That means the public officials would have to determine if the organization, source of the offer, had a legislative or administrative interest in the government agency the public officials represent. Identifying the source of a gift and a legislative or administrative interest are discussed in Commission Advisory Opinion 08A-1003 and the topic of gifts is discussed in Commission Advisory Opinion 08A-1004.

QUESTION: Would a public official violate Oregon Government Ethics law by accepting compensation or paid expenses from a private employer, personal business or other private organizations?

ANSWER: There are nearly 200,000 public officials in Oregon. Some are employees of state or local governmental agencies, but others are elected, appointed or volunteer. Most public officials serve in their official capacities for little or no compensation, which means that they must gain income from other sources like private business ownership or private employment. There are other public officials that, in addition to private employment or business ownership, become involved in activities of various private organizations, such as churches, service organizations, special interest organizations and various associations. Public officials may become members and some gain leadership positions in these organizations. As leaders or members there are occasions when the organization may offer various forms of compensation or reimburse a member or leader for expenses related to organization business.

ORS 244.040(1) prohibits public officials from using their positions to gain financial benefits for themselves, their relatives or businesses with which either are associated. The statute does not prohibit public officials from seeking or accepting financial benefits, such as compensation or reimbursed expenses, from private employment, business ownership or involvement in a private organization, for profit or not.

Public officials who have private interests that provide them with financial benefits are prohibited by ORS 244.040(1) from using the resources of their governmental agency in any private activity that provides a financial benefit to the public official, a relative of the public official or a business with which either are associated. Oregon Government Ethics law also places a requirement on public officials to disclose the nature of conflicts of interest when participating in any official action as a public official on a matter that could or would result in a financial benefit to the public official, a relative of the public official or a business with which either are associated.

The Oregon Government Ethics Commission offers guidelines for public officials to follow when they have private business interests or employment that they pursue when not acting in their official capacities as public officials.

GUIDELINES FOR OUTSIDE EMPLOYMENT OF PUBLIC OFFICIALS

1. Public officials are not to engage in private business interests or other employment activities on their governmental agency's time.
2. A governmental agency's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests.
3. The position as a public official is not to be used to take official action that could have a financial impact on a private business with which you, a relative or member of your household are associated.
4. Confidential information gained as a public official is not to be used to obtain a financial benefit for the public official, a relative or member of the public official's household or a business with which any are associated.
5. When participating in an official capacity and met with a potential or actual conflict of interest related to a business, associated with the public official, relative or household member, the public official must disclose the nature of the conflict of interest using one of the following methods:

Employees of governmental agencies must give written notice to their appointing authority.

Elected or appointed public officials must publicly disclose once during each meeting convened by the governing body they serve.

In brief, state and local government employees and volunteers as well as elected or appointed officials may pursue personal activities or employment from which they derive income, receive expense reimbursement or other financial benefits. They must however, be mindful of the prohibited use of their public official position for financial gain set out in ORS 244.040(1) and the requirements for disclosing the nature of conflicts of interest in ORS 244.120.

QUESTION: When a public official is engaged in official business under what conditions may the public official accept a meal that is offered at no personal cost to the public official?

ANSWER: As was discussed in the previous answer, ORS 244.040(1) prohibits a public official from using or attempting to use the public official's position to gain a financial benefit. ORS 244.040(2) provides a specific list of financial benefits that a public official may receive as exceptions to the prohibited use in ORS 244.040(1). Those exceptions include the reimbursement of expenses incurred by a public official by the public official's governmental agency.

What constitutes a reimbursed expense is defined in OAR 199-005-0035 as when payment by a public body to a public official serving that public body, of expenses incurred in the conduct of official duties on behalf of the public body. Any such repayment must comply with any applicable laws and policies governing the eligibility of such repayment. Expenses paid by the public body to their own public officials need not be reported by the public official. [ORS 244.100]

There are a number of common occasions where a public official incurs an expense while engaged in official business and the governmental agency pays for the expense. Those occasions include food, lodging and travel expenses or products and services purchased for the governmental agency. A reimbursed expense may be paid with either of two methods. One the public official incurs the expense and submits a request for reimbursement. The other is when the cost of the public official's expense is known and the agency pays the expense directly to the provider prior to or after the expense was incurred.

This application of the reimbursed expense would include meals provided by the public official's governmental agency to the public official who is engaged in official business in the public official's official capacity and the duration of the official business spans a normal meal time. These are often referred to as a "working lunch."

A “working lunch” is not a term from Oregon Government Ethics law, but is often used in reference to a meal expense paid for by the public official’s governmental agency, which would be a reimbursed expense under ORS 244.040(2)(c).

The problem with coining a phrase, such as “working lunch,” is that it develops a common usage for meals that may not constitute a reimbursed expense as allowed by Oregon Government Ethics law. If the public official’s governmental agency does not pay for the expense, it is not a reimbursed expense and it becomes a question of whether the public official may accept the meal as a gift.

Gifts are discussed in more detail in Commission Advisory Opinion 08A-1004, but if payment for the meal of a public official is offered by any other source than the governmental agency of the public official, the public official must determine if the source has a legislative or administrative interest in the public official’s agency. Again, a legislative or administrative interest is discussed in Commission Advisory Opinion 08A-1003. If there is no legislative or administrative interest, then ORS 244.040(2)(f) would allow the public official to accept the gift of paid meal expenses. On the other hand, if the source has a legislative or administrative interest, the paid meal expense would constitute a gift and the gift exceptions in ORS 244.020(5)(b) or the gift limitations in ORS 244.025 would apply.

There are many variations to the circumstances wherein a public official may be engaged in official business for the public official’s agency that may be referred to as a “working lunch,” but the application of Oregon Government Ethics law would vary with each set of circumstances. The following examples are provided to illustrate how the application varies:

A public official meets with other public officials from several different governmental agencies to conduct official business. The host governmental agency provides a “working lunch.” The following are possible applications of ORS Chapter 244:

If the host governmental agency has no legislative or administrative interest in the governmental agency of a public official provided a lunch, ORS 244.040(2)(f) would allow the public official to accept the lunch.

If the host governmental agency has a legislative or administrative interest in the governmental agency of a public official provided a lunch, ORS 244.020(5)(b)(F) would allow the public official to accept the lunch as an exception to prohibited gifts. For a more detailed discussion see Commission Advisory Opinion 08A-1004.

A public official meets with other persons who are not public officials to conduct official business. One or more of the participants who are not public officials provide a "working lunch" to the public official. The following are possible applications of ORS Chapter 244:

If the source(s) of the "working lunch" has no legislative or administrative interest in the governmental agency of the public official provided a lunch, ORS 244.040(2)(f) allows the public official to accept the lunch.

If the source(s) of the "working lunch" has a legislative or administrative interest in the governmental agency of the public official provided a lunch, the cost of the lunch would be defined as a gift [ORS 244.020(5)(a)]. ORS 244.025 would limit the aggregate annual value of the lunch or lunches offered and accepted by the public official from a single source to \$50. For a more detailed discussion see Commission Advisory Opinion 08A-1004.

A public official is assigned by the public official's agency to represent the agency in negotiating a collective bargaining agreement. The negotiations are also attended by other public officials and private persons who represent the bargaining unit:

If a "working lunch" is provided during the negotiations by the public official's agency, it is a reimbursed expense to the public official as allowed by ORS 244.040(2)(c).

If a "working lunch" is provided during the negotiations by the private organization representing the bargaining unit, that organization may be a non-profit listed in ORS 244.020(5)(b)(F). If so, it may provide such lunches as an exception to the definition of gift. If not, the organization would have a legislative or administrative interest and the annual aggregate limit of \$50 from a single source would apply. For a more detailed discussion see Commission Advisory Opinion 08A-1004.

QUESTION: What are the conditions or restrictions Oregon Government Ethics law places on honoraria offered to and accepted by public officials?

ANSWER: Honoraria are addressed in ORS Chapter 244 with provisions that should not be confused with those that address gifts offered to public officials or a public official's use of an official position to gain a prohibited financial benefit.

The use of the word "honoraria" has a common usage when people refer to various forms of payments or gifts given to those who provide some service or make a presentation. In ORS Chapter 244 the words "honoraria" or "honorarium" have a specific meaning and the restrictions on honoraria apply to those benefits that meet that definition. If an item of financial benefit is given to a public official and it is not defined as an honorarium it may be a gift or a financial benefit, both of which are addressed by different provisions in ORS Chapter 244 than honorarium.

The definition of honorarium is given in ORS 244.020(6) as follows:

"Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event.

ORS 244.040(2)(b) allows a public official, a relative of a public official or a member of the public official's household to receive an honorarium or other item as provided in ORS 244.042.

In general ORS 244.042(1) and (2) prohibit a public official from soliciting or receiving honoraria for the public official or any member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official.

There are exceptions to this prohibition described in ORS 244.042(3) and summarized as follows:

- A public official may solicit or receive an honorarium, a certificate, plaque, commemorative token or other item if the value is \$50 or less [ORS 244.042(3)(a)].
- A public official may solicit or receive an honorarium for services if those services relate the public official's private profession, occupation, avocation or expertise [ORS 244.042(3)(b)].

Public officials, their relatives and members of their households may accept honorarium in the form of a certificate, plaque, commemorative token or other item as long as the value of the honorarium does not exceed \$50.

The Commission will apply this limit to each occasion a public official, a relative or a member of the public official's household receives an honorarium in exchange for a speech or other services provided at an event. This means that if an honorarium is given to either the public official, a relative of the public official or a member of the public official's household it must be given in return for the recipient's speech or other service provided at an event [ORS 244.042(3)(a)].

There are public officials, relatives of the public officials or members of public official's households who may have a private profession, occupation, avocation or expertise that they have developed on a particular subject. When a public official, a relative of the public official or a member of the public official's household provides a service related to their private profession, occupation, avocation or a developed expertise honorarium may be accepted and the \$50 limit would not apply in those circumstances.

ORS 244.100(1) places requirements on both the source of honorarium and the public official or member of the public official's household who may receive an honorarium allowed under ORS 244.042. Those requirements are as follows:

- If the value of an honorarium exceeds \$15, the source must inform the recipient in writing of the value. The notice must be given within 10 days after the honorarium was received [ORS 244.042(2)(b)].
- Any public official who is required by ORS 244.050 to file an Annual Verified Statement of Economic Interest form with this Commission must list any honorarium that exceeds \$15 in value as allowed by either exception [ORS 244.042(3)(a) or (b)] on the Quarterly Public Official Disclosure form filed with this Commission. Honorarium listed will include those received by the public official and any member of the public official's household [ORS 244.042(1)(c)].

The statutes relevant to issues addressed in this opinion are provided as an addendum to this Commission Advisory Opinion.

THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO ORS 244.280. A PUBLIC OFFICIAL OR BUSINESS WITH WHICH A PUBLIC OFFICIAL IS ASSOCIATED SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION.

Matt C. Markee
Commission Advisory Opinion 08A-1005
August 15, 2008
Page 12

THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN. OTHER LAWS OR REGULATIONS NOT WITHIN THE JURISDICTION OF THE COMMISSION MAY ALSO APPLY.

Issued by Order of the Oregon Government Ethics Commission at Salem, Oregon on the 15th day of August 2008.

Judith Stiegler, Chairperson

Lynn Rosik, Assistant Attorney General

08A-1005th

ADDENDUM

RELEVANT STATUTES: The following Oregon Revised Statutes (ORS) are applicable to the issues that are addressed in this opinion:

244.010 Policy. (1) The Legislative Assembly declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.

244.020(1) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (11) of this section.

244.020(5)(a) "Gift" means something of economic value given to a public official or a relative or member of the household of the public official:

244.020(5)(a)(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or members of the household of public officials on the same terms and conditions; or

244.020(5)(a)(B) For valuable consideration less than that required from others who are not public officials.

244.020(5)(b) "Gift" does not mean:

244.020(5)(b)(C) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than \$25.

244.020(5)(b)(E) Admission provided to or the cost of food or beverage consumed by a public official, or a member of the household or staff of the public official when accompanying the public official, at a reception, meal or meeting held by an organization before whom the public official appears to speak or to answer questions as part of a scheduled program.

244.020(5)(b)(F) Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays

membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code and that receives less than five percent of its funding from for-profit organizations or entities, for attendance at a convention, fact-finding mission or trip, or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

244.020(5)(b)(H) Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

- (i) On an officially sanctioned trade-promotion or fact-finding mission; or
- (ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

244.020(5)(b)(L) Food or beverage consumed by a public official at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

244.020(5)(b)(M) Entertainment provided to a public official or a relative or member of the household of the public official that is incidental to the main purpose of another event.

244.020(5)(b)(N) Entertainment provided to a public official or a relative or member of the household of the public official where the public official is acting in an official capacity while representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 for a ceremonial purpose.

244.020(6) "Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event.

244.020(8) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions,

regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.

244.020(9) "Member of the household" means any person who resides with the public official.

244.020(11) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

244.020(13) Public official means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

244.020(14) "Relative" means:

- (a) The spouse of the public official;
- (b) The domestic partner of the public official;
- (c) Any children of the public official or of the public official's spouse;
- (d) Siblings, spouses of siblings or parents of the public official or of the public official's spouse;
- (e) Any individual for whom the public official has a legal support obligation; or
- (f) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment.

244.025 Gift limit; entertainment prohibition. (1) During a calendar year, a public official, a candidate for public office or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest in any governmental agency in which the public official holds, or the candidate if elected would hold, any official position or over which

the public official exercises, or the candidate if elected would exercise, any authority.

244.025(2) During a calendar year, a person who has a legislative or administrative interest in any governmental agency in which a public official holds any official position or over which the public official exercises any authority may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of \$50.

244.040 Prohibited use of official position or office; exceptions; other prohibited actions. (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

244.040(2) Subsection (1) of this section does not apply to:

- (a) Any part of an official compensation package as determined by the public body that the public official serves.
- (b) The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042.
- (c) Reimbursement of expenses.
- (d) An unsolicited award for professional achievement.
- (e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.
- (f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.

(g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.

(h) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

244.042 Honoraria. (1) Except as provided in subsection (3) of this section, a public official may not solicit or receive, whether directly or indirectly, honoraria for the public official or any member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official.

244.042(2) Except as provided in subsection (3) of this section, a candidate for public office may not solicit or receive, whether directly or indirectly, honoraria for the candidate or any member of the household of the candidate if the honoraria are solicited or received in connection with the official duties of the public office for which the person is a candidate.

244.042(3) This section does not prohibit:

(a) The solicitation or receipt of an honorarium or a certificat , plaque, commemorative token or other item with a value of \$50 or less; or

(b) The solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the public official or candidate.

244.050 Persons required to file statement of economic interest; filing deadline. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

244.100 Statements of expenses, honoraria or income received; statements to be provided to public official. (1) A public official or candidate for public office who is required to file a statement of economic interest under ORS 244.050 shall file with the Oregon Government Ethics Commission, according to the schedule set forth in ORS 244.105, a statement showing for the applicable reporting period:

244.100(1)(a) Any expenses with an aggregate value exceeding \$50 received by the public official when participating in a convention, mission, trip or other

meeting described in ORS 244.020 (5)(b)(F). The statement shall include the name and address of the organization or unit of government paying the expenses, the nature of the event and the date and amount of the expenditure.

244.100(1)(b) Any expenses with an aggregate value exceeding \$50 received by the public official when participating in a mission or negotiations or economic development activities described in ORS 244.020 (5)(b)(H). The statement shall include the name and address of the person paying the expenses, the nature of the event and the date and amount of the expenditure.

244.100(1)(c) All honoraria allowed under ORS 244.042 exceeding \$15 received by the public official, candidate or member of the household of the official or candidate, the payer of each honorarium and the date and time of the event for which the honorarium was received.

244.100(2) In addition to statements required under subsection (1) of this section:

244.100(2)(a) Any organization or unit of government that provides a public official with expenses with an aggregate value exceeding \$50 for an event described in ORS 244.020 (5)(b)(F) shall notify the public official in writing of the amount of the expense. The organization or unit shall provide the notice to the public official within 10 days from the date the expenses are incurred.

244.100(2)(b) Any person that provides a public official or a member of the household of a public official with an honorarium or other item allowed under ORS 244.042 with a value exceeding \$15 shall notify the public official in writing of the value of the honorarium or other item. The person shall provide the notice to the public official within 10 days after the date of the event for which the honorarium or other item was received.

244.120 Methods of handling conflicts; Legislative Assembly; judges; appointed officials; other elected officials or members of boards. (1) Except as provided in subsection (2) of this section, when met with an actual or potential conflict of interest, a public official shall:

244.120(1)(c) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

244.120(2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

244.120(2)(a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

244.120(2)(b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

244.120(2)(b)(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

October 11, 2002

On October 11, 2002 the Oregon Government Standards and Practices Commission (GSPC) adopted the following advisory opinion on its own motion.

This advisory opinion replaces advisory opinion 01A-1003 issued June 1, 2001 and rescinded on April 12, 2002.

**OREGON GOVERNMENT STANDARDS AND PRACTICE COMMISSION ADVISORY
OPINION NO. 02A-1009**

STATED FACTS: On occasion, a public official who is employed by a small public body is the only person in a position to make salary recommendations for themselves and/or relatives and otherwise take official action that could or would result in a financial benefit to the official or a relative of the official.

RELEVANT STATUTES: The following Oregon Revised Statutes are applicable to the issues addressed herein:

244.020(15) "Public official" means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services."

244.040 "**Code of ethics; prohibited actions; honoraria.** The following actions are prohibited regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed pursuant to ORS 244.120:"

244.040(1)(a) "No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's holding of the official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b) and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional achievement for the public official or the public official's relative, or for any business with which the public official or a relative of the public official is associated."

QUESTION: Would it be a violation of Oregon Government Standards and Practices laws for public officials of small bodies to make recommendations to their governing bodies regarding salary increases for themselves and/or a relative?

(

(

(

OPINION: No. ORS 244.040(1)(a) prohibits a public official from using or attempting to use official position or office to obtain financial gain or the avoidance of a financial detriment that would not otherwise be available but for the holding of the official position or office, other than official salary, honoraria, reimbursement of expenses and an unsolicited award for professional achievement for the public official or a relative of the public official or a business with which the public official or a relative of the public official is associated. The GSPC interprets salary to mean the receipt by the public official of the public official's salary and benefits.

Recommendations between a public official and another official charged with making decisions or the governing body are appropriate when: 1) they are part of a performance evaluation process; 2) during the Oregon budget law process; 3) if the elected body directs the appointed official to conduct a salary survey; 4) when the action is a part of a multi-year agreement implementation; or 5) in such other venues where both parties would expect a reasonable and open dialogue to take place. Securing and offering various salary and benefit comparisons or providing options to compensation packages for a governing body to consider is not considered a violation of law.

THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION PURSUANT TO ORS 244.280. A PUBLIC OFFICIAL OR BUSINESS WITH WHICH A PUBLIC OFFICIAL IS ASSOCIATED SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN.

Issued by Order of the Oregon Government Standards and Practices Commission at Salem, Oregon on the 11th day of October 2002.

Alice Schlenker, Chairperson

Lynn Rosik
Assistant Attorney General

Date

MismacMM-02A-1009-JP

()

()

(

Trainers' Report March 10, 2017

This report covers the time period of January 30, 2017, through March 10, 2017.

Completion of training:

- Marion County Housing Authority – ORS 244 (Salem)
- Oregon Housing and Community Services – ORS 244 (Salem)
- City of Donald hosted – ORS 244 (Donald)
- City of Hillsboro – ORS 244 (Hillsboro)
- Department of Administration Foundational Management – ORS 244 (Salem)
- Oregon State Police – ORS 244 (Salem)
- Oregon Health Authority, New Employee Orientation – ORS 244 (Salem)
- Department of Human Services/Oregon Health Authority Executive Leadership – ORS 244 (Salem)
- Oregon Airport Management Association – ORS 244 (Salem)

Upcoming Trainings:

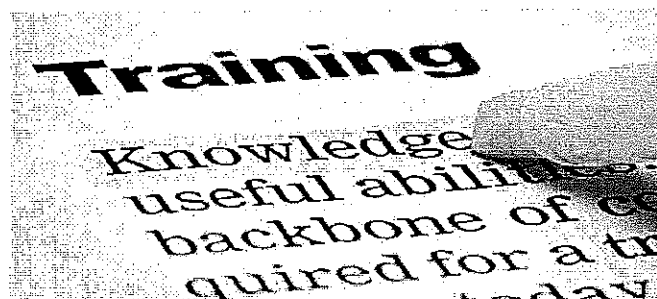
<u>Date</u>	<u>Time</u>	<u>Public Body (Topic)</u>	<u>Address</u>
3/14/2017	10:00 – 11:30 AM	Oregon Health Authority- Office of Information Services (ORS 244)	TBD
3/14/2017	2:30 – 3:30 PM	Association of Oregon Counties County College	1201 Court St N.E. Suite 300 Salem, OR 97301
3/20/2017	8:00 – 9:30 AM	Association of Oregon Counties (AOC) County Road Program (ORS 244)	Association of Oregon Counties (AOC) County Road Program Office 544 Ferry St S.E. Suite 100 Salem, OR 97301

3/28/2017	1:45 – 3:00 PM	Oregon Health Authority (ORS 244)	Cherry Avenue Training Center 3420 Cherry Ave N.E. Wallowa Room Keizer, OR 97303
4/18/2017	8:30 – 10:00 AM	DAS Foundational Training (ORS 244)	Chemeketa Center for Business & Industry (CCBI) 626 High St. N.E. Salem, OR 97301
4/19/2017	TBD	Institute of Internal Auditors	TBD
5/1/2017	1:00 – 3:30 PM	Oregon Youth Authority (ORS 244)	Oregon Youth Authority 530 Center St N.E. 5 th Floor Salem, OR 97301

Upcoming Conferences

5/2 & 9/2017	TBD	Oregon State Fiscal Association Board (ORS 244)	Chemeketa Winema 4001 Winema Place NE Salem, OR 97305
9/11/2017	10:00 – 11:30 AM	Association of County Treasurers & Finance Officers (ORS 244)	5500 Running Y Road Klamath Falls, OR 97601

Training Staff: Tammy Hedrick 503-378-6802 tammy.r.hedrick@oregon.gov
Hayley Weedn 503-378-8066 hayley.weedn@oregon.gov



March 2017

Oregon Government Ethics Commission AdobeConnect Webinar Training Calendar

Monday	Tuesday	Wednesday	Thursday	Friday
		1	2 New Employees: you're a public official, now what! 2:00 – 3:00 PM	3
6	7 Use of Position/Office 10:30 – 11:30 AM	8	9	10 Conflicts of Interest 10:30 – 11:30 PM
13	14	15 Lobby law 10:30 – 11:30 PM	16	17
20	21	22 Executive Session 2:00 – 3:00 PM	23	24
27 Gifts 2:00 – 3:00 PM	28	29	30 Email ogec.training@oregon.gov to register for a webinar.	31

Executive Director's Report

March 10, 2017

- Reporting System
 - 6 lobbyists and 1 client have not filed
 - Tested SEIs for pre-population
 - HB 2577 changes reporting requirements, submitted fiscal impact
- Budget
 - 2015-17 biennial budget
 - Agency completed audit for 2017-19 budget
 - Fund 4150, General Fund
 - Spending average of \$80,192.88 with \$108,337.66 to spend per month. A difference of \$28,144.78.
 - Fund 4160 Electronic Reporting System
 - Moneys in this fund have been spent in accordance with financial plan. The agency will not spend any other moneys in this fund.
 - Fund 4170 Case Management System
 - Spending an average of \$7,058.63 with \$22,192.41 to spend per month. A difference of \$15,133.78.
 - Fund 4180 Case Management System, Professional Services
 - \$310.75 surplus projected through 6/30/17.
 - 2017-19 biennial budget
 - Public hearing on budget bill held 2/23/17.
 - Committee generally praised agency for work done.
 - Work session scheduled for mid-April.
- Legislation
 - Public hearing held in House for HB 2298 and 2299 on 2/20/17.
 - SB 43 and SB 44 scheduled for public hearing 3/13/17 before Senate Rules
- Case Management System
 - Launched Phase 1 of CMS timely.
 - Website contains advice given and will list final dispositions.
 - Phase 2 of project on-time.
- Other
 - New Commission member before Senate Rules March 8. Should be on Senate floor for confirmation March 15.
 - Agency has been asked to submit fiscal impact on HB 2577
 - Received "Gold Star Award" for fiscal accounting (see attached)
 - Computer and monitor for Conference room



Oregon

Kate Brown, Governor

Department of Administrative Services

Chief Financial Office

155 Cottage St NE

Salem, OR 97301-3963

Phone: 503-378-3106

Fax: 503-373-7643

Date: February 10, 2017

RECEIVED

MAR 01 2017

OREGON GOVERNMENT
ETHICS COMMISSION

To: Ronald Bersin, Executive Director
Oregon Government Ethics Commission
3218 Pringle Rd SE, Suite 220
Salem, OR 97302

Re: **FY 2016 GOLD STAR CERTIFICATE**

It is a great pleasure to inform you that your agency has earned the Chief Financial Office's Gold Star Certificate for fiscal year 2016.

The Chief Financial Office's Gold Star Certificate is awarded to state agencies that provide accurate and complete fiscal year end information in a timely manner. Clearly, the Gold Star is a challenge to earn, and its achievement is due primarily to your agency's diligent efforts to maintain accurate and complete accounting records throughout the year.

Your agency's participation in the Gold Star Certificate program is important in meeting statewide fiscal performance goals and key to the timely preparation of Oregon's Comprehensive Annual Financial Report (CAFR) and the statewide Schedule of Expenditures of Federal Awards. Your agency's success in accounting and financial reporting is also critical to Oregon's success in receiving a favorable audit opinion on both statewide documents.

The Chief Financial Office's Gold Star Certificate is Oregon's equivalent to the nationally recognized GFOA Certificate of Achievement for Excellence in Financial Reporting. Through the collaborative team effort of state agencies and the Chief Financial Office, Oregon has earned the GFOA Certificate every year since 1992. *Gold Star agencies* are key to making this possible.

The Gold Star Certificate was delivered to your agency's lead CAFR accountant, **Emily Rothweiler**. Congratulations to your agency and your fiscal team for this outstanding work!

Sincerely,

George Naughton, Chief Financial Officer
Chief Financial Office

Robert W. Hamilton, Manager
Statewide Accounting and Reporting Services

