

**OREGON GOVERNMENT ETHICS COMMISSION**  
**MEETING MINUTES**  
**August 25, 2017**  
9:00 a.m.

(:01)

Chair Dan Golden called the meeting to order at 9:00 a.m. The meeting was held in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE Salem, Oregon. Other Commissioners present were Chuck Lee, Richard Burke, Nathan Sosa, Charles Starr, Alison Kean, Marilyn Cover, and Daniel Mason. David Fiskum 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, Investigator Michael Thornicroft and Administrative Specialist Kathy Daniel.

(:30)

AGENDA ITEM 1, Approval of the minutes of the July 14, 2017 Commission meeting. Chair Golden called for approval of the minutes of the July 14, 2017 Commission meeting. The minutes were approved without correction.

**CONSENT CALENDAR**

(:45)

AGENDA ITEMS 2 – 19, 21

Golden requested agenda item 20 be pulled as he has a working relationship with the lobbyist.

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, Phillip Kennedy-Wong, 2nd qtr 2017, Letter of Education

AGENDA ITEM 3, Nakeia Daniels, 2nd qtr 2017, Letter of Education

AGENDA ITEM 4, Mick Harris, 2nd qtr 2017, Letter of Education

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- AGENDA ITEM 5, Virginia Lang, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 6, Kristen Grainger, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 7, Chris Fick, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 8, Ryan Deckert, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 9, Christine Hagerbaumer, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 10, Michael Slauson, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 11, Ed Nagorsky, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 12, S. T. Wall, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 13, Karly Edwards, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 14, Julie McFadden, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 15, Sara O'Brien, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 16, Ben Eckstein, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 17, Nate Miles, 1st qtr 2017, Letter of Education
- AGENDA ITEM 18, John Charles, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 19, David Rucker, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 21, Laurie Trieger, 2nd qtr 2017, Letter of Education

(2:15)

AGENDA ITEM 20, Cord Bueker, Jr, 2<sup>nd</sup> qtr 2017, Letter of Education  
Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye;  
Sosa, aye; Starr, aye; Cover, aye. Motion passed 7 - 0 with 1 abstention.

Lobbyist Client Penalty Correspondence

- AGENDA ITEM 22, Frontier Communications, 2nd qtr 2017, Letter of Education
- AGENDA ITEM 23, Oregon State Pharmacy Assoc, 2nd qtr 2017, Letter of Education

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AGENDA ITEM 24, OR Assoc of Conservation Districts, 2nd qtr 2017, Letter of Education

AGENDA ITEM 25, Oregon Business & Industry, 2nd qtr 2017, Letter of Education

AGENDA ITEM 26, Oregon Parks & Recreation Dept, 2nd qtr 2017, Letter of Education

AGENDA ITEM 27, Outdoor Power Equipment Institute, 2nd qtr 2017, Letter of Education

AGENDA ITEM 28, March of Dimes Greater OR Chapter, 2nd qtr 2017, Letter of Education

AGENDA ITEM 29, Central School District 13J, 2nd qtr 2017, Letter of Education

AGENDA ITEM 30, Lanphere Construction & Design, 2nd qtr 2017, Letter of Education

AGENDA ITEM 31, Oregon Rural Health Assoc, 2nd qtr 2017, Letter of Education

Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed unanimously.

Golden requested agenda item 40 be pulled as he has a working relationship with the public official.

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 32, Nick Hahn, 2017, Letter of Education

AGENDA ITEM 33, Chris MacQuarrie, 2017, Letter of Education

AGENDA ITEM 34, Daniel Jesse, 2017, Letter of Education

AGENDA ITEM 35, Corey Engstrom, 2017, Letter of Education

AGENDA ITEM 36, Bobbie Whitney, 2017, Letter of Education

AGENDA ITEM 37, Monty Elliott, 2017, Letter of Education

AGENDA ITEM 38, Stan Kosmicki, 2017, Letter of Education

AGENDA ITEM 39, Rebecca Ruede, 2017, Letter of Education

AGENDA ITEM 41, Wayne Evans, 2017, Letter of Education

AGENDA ITEM 42, John Bixler, 2017, Letter of Education

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AGENDA ITEM 43, Paul Forcum, 2017, Letter of Education  
AGENDA ITEM 44, Gary Weaver, 2017, Letter of Education  
AGENDA ITEM 45, Caroline Clancy, 2017, Letter of Education  
AGENDA ITEM 46, Robert Harris, 2017, Letter of Education  
AGENDA ITEM 47, Gregg Haberly, 2017, Letter of Education  
AGENDA ITEM 48, Acasia Berry, 2017, Letter of Education  
AGENDA ITEM 49, Ruth Stole, 2017, Letter of Education  
AGENDA ITEM 50, Don Starr, 2017, Letter of Education  
AGENDA ITEM 51, Ronald Aiken, 2017, Letter of Education  
AGENDA ITEM 52, Michael Rose, 2017, Letter of Education  
AGENDA ITEM 53, John Peery, 2017, Letter of Education  
AGENDA ITEM 54, Samuel Breyer, 2017, Letter of Education  
AGENDA ITEM 55, James Shartel, 2017, Letter of Education  
AGENDA ITEM 56, Quinton Harold, 2017, Letter of Education  
AGENDA ITEM 57, William Kabeiseman, 2017, Letter of Education  
AGENDA ITEM 58, Tom Wilson, 2017, Letter of Education  
AGENDA ITEM 59, Rep Peter Buckley, 2017, Letter of Education  
AGENDA ITEM 60, George Seonbuchner, 2017, Letter of Education  
AGENDA ITEM 61, Allan Kusler, 2017, Letter of Education  
AGENDA ITEM 62, Jeff Haag, 2017, Letter of Education  
AGENDA ITEM 63, Merle Kalb, Jr, 2017, Letter of Education

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AGENDA ITEM 64, Melinda McVey, 2017, Letter of Education

AGENDA ITEM 65, Carol Olmstead, 2017, Letter of Education

AGENDA ITEM 66, Elaine Baucom, 2017, Letter of Education

AGENDA ITEM 67, John Bosley, 2017, Letter of Education

AGENDA ITEM 68, Doug Bryson, 2017, Letter of Education

AGENDA ITEM 69, Mark Orr, 2017, Letter of Education

AGENDA ITEM 70, David Lougee, 2017, Letter of Education

AGENDA ITEM 71, Krista Peterson, 2017, Letter of Education

AGENDA ITEM 72, Bruce McNair, 2017, Letter of Education

AGENDA ITEM 73, Carolyn Hymes, 2017, Letter of Education

AGENDA ITEM 74, Buddy Mendive, 2017, Letter of Education

AGENDA ITEM 75, Dennis Haener, 2017, Letter of Education

AGENDA ITEM 76, Deanne Dunlap, 2017, Letter of Education

AGENDA ITEM 77, McRae Garmichael, 2017, Letter of Education

Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed unanimously.

AGENDA ITEM 40, Sharon Forster, 2017, Letter of Education

Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye. Motion passed 7-0 with 1 abstention.

End of Consent Calendar

#### Lobbyist Client Penalty Correspondence

(6:12)

AGENDA ITEM 80, Secretary of State, request for reconsideration. Bersin summarized the matter. Stephen Elzinga, representative for the Secretary of State's office, addressed the Commission. The Commission generally discussed. Kean moved to rescind the

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Letter of Education. Roll call vote was taken as follows: Burke, aye; Kean, aye; Mason, aye; Lee, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed unanimously.

### Lobbyist Penalty Correspondence

(29:40)

AGENDA ITEM 78, Lena Alhousseini, 4<sup>th</sup> qtr 2016, Letter of Education; 2<sup>nd</sup> qtr 2017, \$30 penalty. Starr moved to accept recommendation of Letter of Education for 4<sup>th</sup> qtr 2016, and reduce the penalty for 2<sup>nd</sup> qtr 2017 to \$30. Roll call vote was taken as follows: Burke, aye; Kean, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed 7 – 0. Lee was absent from the room.

Bersin recommended reviewing agenda items 79 and 81 after Executive Session.

### Statement of Economic Interest Penalty Correspondence

(32:33)

AGENDA ITEM 82, Fred Ziari, 2017, \$300 penalty. Bersin summarized the matter. Burke moved to accept recommendation of a \$300 penalty for late filing of the 2017 SEI. Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed unanimously.

(34:21)

AGENDA ITEM 83, LaVelle Underhill, 2016 Letter of Education, and 2017, \$50 penalty. Bersin summarized the matter. Starr moved to accept recommendation of 2016 Letter of Education and 2017, \$50 penalty. Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, nay. Motion passed 7 – 1.

(36:06)

AGENDA ITEM 84, Jodi Hafer, 2016, Letter of Education, 2017, \$300 penalty. The Commission generally discussed. Sosa moved that the Commission issue a Letter of Education for both years. Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed unanimously.

### STIPULATED FINAL ORDERS

(40:37)

AGENDA ITEM 85, 17-101EMS, Heidi Williams, Chief Operating Officer, Oregon Educators Benefit Board. Scheffers summarized the case. Williams did not address the Commission. The Commission generally discussed the case. Starr moved that the

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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: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed unanimously.

### DEFAULT FINAL ORDERS

None.

### CONTESTED CASE PROPOSED FINAL ORDERS

None.

### REPORTS OF INVESTIGATION

(52:30)

AGENDA ITEM 88, 17-102EDG, Laura Roach, Director, Secondary/Post-Secondary Transitions, Dept. of Education. Gould summarized the case. Roach addressed the Commission. The Commission and Alpaugh generally discussed the matter. Kean moved that the Commission find that there is sufficient evidence to find one violation of ORS Chapter 244.040(1) and one violation of 244.120(1)(c) by Laura Roach, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, nay; Sosa, aye; Starr, nay; Cover, aye; Golden, aye. Motion passed 6 – 2.

(1:12:16)

AGENDA ITEM 86, No. 15-283EDG, Theodore Ross, Former Fire Chief and Chief Administrative Officer, Lakeside Fire District. Gould summarized the case. Ross did not address the Commission. Starr moved that the Commission find that there is a sufficient evidence to find one violation of ORS Chapter 244.040(1) and one violation of 244.120(1)(c) by Theodore Ross, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed unanimously.

(1:14:50)

AGENDA ITEM 87, No. 16-133EMS, Patrick Perry, Wheeler County. Scheffers summarized the case and stated it is being transferred to Thornicroft. Burke moved to extend the investigation for 30-days. Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed unanimously.

The Commission recessed from 10:15 to 10:25 a.m.

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(1:16:30)

The Commission convened into executive session at 10:25 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d) and to consider possible own-motion reviews pursuant to 244.260(2)(d) and 171.778(2)(d).

### EXECUTIVE SESSION CONSENT CALENDAR

#### Reports of Preliminary Review

(All items removed from consent calendar for discussion.)

End of Executive Session Consent Calendar.

### OTHER ITEMS

#### Reports of Preliminary Review (removed from consent calendar)

(1:17:00)

AGENDA ITEM 93, 17-039DG, Joseph Colello, Former Energy Program Administrator, Dept. of Energy. Gould summarized the case. Colello did not address the Commission. Cover moved that the Commission find that there is a substantial, objective basis for believing that Joseph Colello may have violated ORS 244.040 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed unanimously.

(1:20:08)

AGENDA ITEM 94, 17-031MT, Suzan Wagner, Vernonia City Councilor. Thornicroft summarized the case. Wagner did not address the Commission. Lee moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244.120. Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed unanimously.

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

None.

#### Own Motion Preliminary Reviews

(1:22:58)

AGENDA ITEM 95, Possible own-motion preliminary review re Glenn Palmer Legal Expense Trust Fund. Bersin summarized the matter. The Commission made no motion.

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(1:27:20)

AGENDA ITEM 96, Possible own-motion preliminary review re Elizabeth Fuller, Lobbyist. The Commission made no motion.

Other Items

(non-action informational only items)

(1:29:00)

AGENDA ITEM 97, Summary of Pending Cases. The Commission generally discussed the pending cases.

**The Commission reconvened into Regular Session at 10:38 a.m.**

Lobbyist Penalty Correspondence

(1:30:40)

AGENDA ITEM 79, Elizabeth Fuller, 1<sup>st</sup> and 2<sup>nd</sup> qtr 2017, no recommendation.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 81, Lost Valley Farm, 2<sup>nd</sup> qtr 2017, no recommendation.

The Commission generally discussed the registration matter. Burke moved to issue Letters of Education for Fuller and Lost Valley Farm. Roll call vote was taken as follows: Burke, aye; Kean, aye; Lee, aye; Mason, aye; Sosa, aye; Starr, aye; Cover, aye; Golden, aye. Motion passed unanimously.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions  
(non-action items)

None.

Staff Advice  
(non-action, informational only items)

AGENDA ITEM 89, Kathy Storm, Oregon Forest Resources Institute re restrictions on public officials attending Timber Building Tour.

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AGENDA ITEM 90, Brad Anderson, Washington County re exceptions to conflict of interest law related to membership on EMS Advisory Council.

Other Correspondence  
(non-action, informational only items)

None.

**MISCELLANEOUS ITEMS**

(1:34:18)

AGENDA ITEM 91, Trainer's Report. Weedn summarized the training activities.

(1:36:00)

AGENDA ITEM 92, Director's Report. Bersin discussed the following:

- Budget: Bersin reviewed the Budget report outline.
- Case Management System: Phase 3 will deploy in September. Complaints are now being filed on-line in the CMS.
- Lobby: 2017 Legislative Session allowed sunset to expire on Lobby Expenditures Reporting so Lobby to Lobby expenditures will be reported beginning 3<sup>rd</sup> quarter 2017.
- Other:
  - Only 8 SEI non-filers
  - Laptop/tablet added to agency
  - OGEC website redesign continues
  - Discussion regarding business cards for commissioners
  - Kitzhaber/Hayes investigation at the January 5, 2018 meeting
  - Commissioner Marilyn Cover's last meeting.

Chair Golden presented Marilyn Cover with a plaque for her years of service. Thanks were offered by Bersin and the Commission.

**Chair Golden adjourned the meeting at 11:15 a.m.**

**The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, October 6, 2017, at 9:00 a.m. The meeting will be held in the 2<sup>nd</sup> Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Suite 220, in Salem, Oregon.**

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