

**OREGON GOVERNMENT ETHICS COMMISSION**

**MEETING MINUTES**

**February 16, 2018**

9:00 a.m.

(:01)

Chair Alison Kean 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 Richard Burke, Nathan Sosa, Charles Starr, Dan Golden, Daniel Mason, and David Fiskum. Commissioner Kamala Shugar was excused from participation. 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.

(1:00)

AGENDA ITEM 1, Comments from the Chair. Kean noted that there may be a public meeting/Commission retreat after the March 30, 2018 Commission meeting.

(2:33)

AGENDA ITEM 2, Approval of the minutes of the January 5, 2018 Commission meeting. Starr called for approval of the minutes of the January 5, 2018 Commission meeting. Vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

**CONSENT CALENDAR**

Golden requested removal of agenda item 9 from the consent calendar and declared a professional working relationship with the client in that matter.

(3:20)

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

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Matt Friesen, Q4 2017, Letter of Education

AGENDA ITEM 4, James Paul, Q4 2017, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 5, Knife River, Q1 2017, Letter of Education

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AGENDA ITEM 6, Oregon Housing & Community Services, Q1 2017, Letter of Education

AGENDA ITEM 7, Double R Ranch, Q4 2017, Letter of Education

AGENDA ITEM 8, Community Providers Assoc of OR, Q4 2017, Letter of Education

AGENDA ITEM 10, Portland Seed Fund, Q4 2017, Letter of Education

AGENDA ITEM 11, Josephine, Inc., Q4 2017, Letter of Education

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 12, Jeffery Yohe, 2017, Letter of Education

Vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

End of Consent Calendar

Lobbyist Client Penalty Correspondence

(13:15)

AGENDA ITEM 9, Oregon Youth Authority, Q4 2017, Letter of Education

Fiskum moved to accept recommendation of Letter of Education for the late filing of the Q4 2017 expenditure report. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Golden, abstained; Kean, aye. Motion passed 6 – 0 with 1 abstention.

Lobbyist Penalty Correspondence

(5:35)

AGENDA ITEM 13, Claudia Black, Q4 2017. Recommendation: \$50. Fiskum moved to adopt staff recommendation of \$50 for the late filing of the Q4 2017 expenditure report. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

Lobbyist Client Penalty Correspondence

(13:15)

AGENDA ITEM 14, Sarchi Consulting, Q4 2017. Recommendation: No Sanction. Burke moved to adopt staff recommendation of No Sanction for the late filing of the Q4 2017

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

## REPORTS OF INVESTIGATION

(8:13)

AGENDA ITEM 15, 14-190EDT, John A. Kitzhaber, Former Governor. Scheffers summarized the case. Kitzhaber and Counsels Janet Hoffman and Jennifer Roberts were present and addressed the Commission. Scheffers summarized the case. Burke declared a potential conflict of interest. Kitzhaber addressed the Commission. The Commission asked questions of Kitzhaber and Counsels. Alpaugh addressed the Commission. Bersin generally discussed the case.

**The Commission adjourned at 10:45 a.m. and reconvened into regular session at 10:58 a.m.**

Kitzhaber did not return after the break. Scheffers addressed the Commission. Mason recommended pulling the 244.040(1) violation involving pet care. The Commission generally discussed. Burke moved that the Commission find that there is sufficient evidence to find 1 violation of ORS 244.025, 3 violations of ORS 244.040(1) and 7 violations of ORS 244.120(2) by John Kitzhaber, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding.

Mason moved to amend Burke's motion to remove 1 violation of 244.040(1) for pet care. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

Kean moved to exclude 1 violation of 244.025. The Commission generally discussed the violations. Kean withdrew her motion. Burke restated the amended motion to move that the Commission find that there is sufficient evidence to find 1 violation of ORS 244.025, 2 violations of ORS 244.040(1) and 7 violations of ORS 244.120(2) by John Kitzhaber, 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; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

(2:16:25)

**The Commission convened into executive session at 11:28 a.m. to consider possible own motion reviews pursuant to ORS 244.260(2)(d) and ORS 171.778(2)(d), and to consider information or records that are exempt by law from public inspection pursuant to ORS 192.660(2)(f).**

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## 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)

None.

### Own Motion Preliminary Reviews

(2:20:00)

AGENDA ITEM 19, Possible own-motion preliminary review re Vance Day Legal Expense Trust Fund. Lutz summarized the matter. Randall Adams, Trustee, and Vance Day were present and addressed the Commission. Burke moved that the Commission find that the information before the Commission does not warrant further review and that no action be taken.

Lutz summarized the similar issues for Items 20 – 24 re proposed own motion preliminary reviews for Lobbyists Riggs, Chambers, Botkin, Mehrens, and Holt.

(2:31:49)

AGENDA ITEM 20, Possible own-motion preliminary review re Doug Riggs, Lobbyist. Sosa moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Doug Riggs has violated ORS Chapter 171.740. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, abstained. Motion passed 6-0 with 1 abstention.

AGENDA ITEM 21, Possible own-motion preliminary review re Jessica Chambers, Lobbyist. Mason moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Jessica Chambers has violated ORS Chapter 171.740. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, abstained. Motion passed 6-0 with 1 abstention.

AGENDA ITEM 22, Possible own-motion preliminary review re Mary Botkin, Lobbyist. Sosa moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Mary Botkin has violated ORS Chapter 171.740. Roll call

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vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 23, Possible own-motion preliminary review re Judy Mehrens, Lobbyist. Sosa moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Mary Botkin has violated ORS Chapter 171.740. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 24, Possible own-motion preliminary review re Tom Holt, Lobbyist. Burke moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Tom Holt has violated ORS Chapter 171.740. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 25, Possible own-motion preliminary review re Stacy Michaelson, Lobbyist. Starr moved that the Commission find that the information before the Commission does not indicate a violation of ORS Chapter 171.740 or warrant further review and that no action be taken. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

**The Commission recessed for a working lunch at 12:00 p.m. and reconvened into Executive Session at 12:15 p.m.**

Other Items

(non-action informational only items)

(:01) recorder timed out over lunch

AGENDA ITEM 26, Memo advice from counsel. Pursuant to ORS 192.660(2)(f), the Commission discussed an attorney-client privileged document exempt from public inspection.

**The Commission reconvened into Regular Session at 12:43 p.m.**

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Advice

(non-action, informational only items)

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The Commission reviewed the following items without comment:

(26:22)

AGENDA ITEM 16, Ted Ferrioli re whether Oregon Government Ethics laws permits you to accept a blanket as a gift from the nine-member Board of Directors for the Confederated Tribes of Umatilla Indian Reservation. Bersin summarized the staff advice.

### MISCELLANEOUS ITEMS

(28:45)

AGENDA ITEM 17, Trainers' Report. Weedn summarized the training activities for January 8, 2018 through February 16, 2018.

(35:25)

AGENDA ITEM 18, Director's Report. Bersin discussed the following:

- 2017-2019 biennial budget status was reviewed.
- Price List: OGEC charges for agency services, was discussed.
- Statement of Economic Interest: Staff is working with the Jurisdictional Contacts to prepare for annual public official filing which begins March 15.
- Legislation: Few bills during short session affect agency. HB 4077 adds a category to the SEI requirements to include business income.
- Website redesign in final phase.
- Early discussions with DAS CFO for the 2019-21 budget, and met with the new CFO analyst.
- Project has begun to clean-up required SEI filers who have not filed, and to proceed to default final orders to establish basis for collections.
- Bersin announced Scheffers' resignation from state service and thanked her for the time she devoted to the agency.

(53:54)

Kean announced plans for an offsite lunch and work session for Commission after the March 30<sup>th</sup> Commission meeting. Location to be determined.

**Chair Kean adjourned the meeting at 1:10 p.m.**

**The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, March 30, 2018, 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, in Salem, Oregon.**

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# 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](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

February 28, 2018

Brittany Duffy-Goche  
1682 SW 8<sup>th</sup> Dr.  
Gresham OR 97080

Dear Ms. Duffy-Goche:

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 30, 2018, 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 \$1,600 penalty will be extended to coincide with the March 30<sup>th</sup> 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 2017

Lobbyist Code: 363  
User Name: Bduffygo  
Email: bduffy-goche@psoriasis.org

Q4 2017 Filing: 2/28/2018  
Q4 2017 Expended: \$0.00  
Q4 2017 Penalty: \$1,600.00

Brittany Duffy-Goche  
1682 SW 8TH DR  
Gresham, OR 97080

### Activity Log - Q4 2017 to Date

10/02/17 11:18:37.673 - User Successfully Authenticated -  
10/02/17 11:19:24.510 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2017  
01/01/18 01:32:15.720 - Lobbyist/Client Registration Request Expired - The lobbyist/client registration came to end of term and expired.  
01/16/18 02:58:09.243 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/17/18 03:00:31.593 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/18/18 01:30:07.993 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/19/18 01:30:07.043 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/20/18 01:30:07.577 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/21/18 01:30:12.027 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/22/18 01:30:07.343 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/23/18 01:30:07.260 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/24/18 01:30:08.287 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/25/18 01:30:07.943 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/26/18 01:30:08.150 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/27/18 01:30:06.963 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/28/18 01:30:07.050 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/29/18 01:30:07.957 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/30/18 01:30:06.420 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/31/18 01:30:06.160 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/01/18 01:30:10.063 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/02/18 01:30:06.823 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/03/18 01:30:05.697 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/04/18 01:30:06.127 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/05/18 01:30:06.437 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/06/18 01:30:07.437 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/07/18 01:30:06.407 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/08/18 01:30:06.730 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/09/18 01:30:07.163 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/10/18 01:30:08.093 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/11/18 01:30:06.853 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/12/18 01:30:09.293 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/13/18 01:30:05.577 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/14/18 01:30:06.923 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
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02/16/18 01:30:08.320 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/17/18 01:30:06.263 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/18/18 01:30:05.787 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/19/18 01:30:05.643 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/20/18 01:30:08.363 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/21/18 01:30:06.807 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/22/18 01:30:07.650 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/23/18 01:30:07.053 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/24/18 01:30:05.650 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/25/18 01:30:18.137 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/26/18 01:30:36.597 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/27/18 01:30:16.063 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/28/18 01:30:06.557 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/28/18 12:25:55.570 - User Successfully Authenticated -  
02/28/18 12:26:38.173 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2017  
02/28/18 12:27:10.223 - User Profile Updated - User profile updated for Brittany Duffy-Goche  
02/28/18 12:27:10.257 - User Profile Updated - The user's main profile was updated.  
02/28/18 12:37:20.220 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2017



RECEIVED

FEB 28 2018

OREGON GOVERNMENT  
ETHICS COMMISSION

February 28, 2018

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

Dear Chair Kean and members of the committee,

Please accept this request to mitigate the penalties which have accrued as a result of me not filing my lobbying expenditure report for 2017 Q4. I was made aware of my accrued late fees and lack of report today, February 28<sup>th</sup>, 2018 and promptly filed my report. I had not engaged in lobbying efforts during that time period.

On December 15<sup>th</sup>, 2017 I left the American Cancer Society Cancer Action Network and was assured my report would be taken care of and need not file for Q4. Due to this transition I was not made aware of the electronic prompts to file my quarterly expenditure reports. It was one of your staff that contacted me and let me know of the situation and that I was incurring daily fines as a result of my late filing.

Due to these circumstances, I'd appreciate the Commission's consideration of waiving my late filing penalties of \$1,600. This is my first offense and my records show I have always been on time or ahead of schedule when filing my reports.


If you have questions, I can be reached at 503-581-3746 or via email at [Brittany.Duffygoche@gmail.com](mailto:Brittany.Duffygoche@gmail.com). Thank you in advance for your consideration of this request.

Sincerely,

Brittany Duffy-Goche  
1682 SW 8<sup>TH</sup> DR  
Gresham, OR 97080

PREVIOUS VIOLATIONS: NONE

RECOMMENDATION:

*Letter & Ed*  


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# 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](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

March 1, 2018

Jonathan Eames  
for John Strother  
PO Box 19390  
Portland OR 97280

Dear Mr. Eames:

The written explanation of why John Strother's Q4 2017 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 30, 2018, 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 \$1,650 penalty will be extended to coincide with the March 30<sup>th</sup> 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 2017

Lobbyist Code: 1072  
User Name: jpstrother  
Email: jp@eames.consulting

Q4 2017 Filing: 3/1/2018  
Q4 2017 Expended: \$0.00  
Q4 2017 Penalty: \$1,650.00

John Strother  
PO Box 19390  
Portland, OR 97280

## Activity Log - Q4 2017 to Date

10/03/17 01:14:38.993 - User Successfully Authenticated -  
10/03/17 01:16:41.597 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2017  
01/01/18 01:32:32.023 - Lobbyist/Client Registration Request Expired - The lobbyist/client registration came to end of term and expired.  
01/01/18 01:32:35.343 - Lobbyist/Client Registration Request Expired - The lobbyist/client registration came to end of term and expired.  
01/16/18 02:58:09.743 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/17/18 03:00:31.857 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/18/18 01:30:09.333 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/19/18 01:30:08.230 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/20/18 01:30:08.480 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/21/18 01:30:12.820 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/22/18 01:30:08.710 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/23/18 01:30:11.490 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/24/18 01:30:09.910 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/25/18 01:30:09.677 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/26/18 01:30:08.820 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/27/18 01:30:07.993 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/28/18 01:30:07.983 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/29/18 01:30:09.110 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
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01/31/18 01:30:06.953 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/01/18 01:30:11.623 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
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02/03/18 01:30:06.463 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/04/18 01:30:06.783 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/05/18 01:30:07.497 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/06/18 01:30:08.373 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/07/18 01:30:07.107 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/08/18 01:30:07.590 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/09/18 01:30:09.613 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/10/18 01:30:14.550 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/11/18 01:30:07.993 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/12/18 01:30:11.180 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/13/18 01:30:06.467 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/14/18 01:30:08.483 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/15/18 01:30:07.740 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/16/18 01:30:10.143 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/17/18 01:30:07.623 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/18/18 01:30:08.860 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/19/18 01:30:06.563 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/20/18 01:30:13.387 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/21/18 01:30:08.757 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/22/18 01:30:09.087 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/23/18 01:30:08.223 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/24/18 01:30:06.773 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/25/18 01:30:18.870 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/26/18 01:30:37.187 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/27/18 01:30:16.500 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/28/18 01:30:08.070 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
03/01/18 01:30:09.113 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
03/01/18 01:56:46.393 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2017

PREVIOUS VIOLATIONS: NONE

RECOMMENDATION:

*John Strother*  
②

**DANIEL Kathy \* OGEC**

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**From:** Jonathan Eames <jon@eames.consulting>  
**Sent:** Thursday, March 01, 2018 2:10 PM  
**To:** DANIEL Kathy \* OGEC  
**Subject:** Error in Reporting for Former Employee

RECEIVED  
MAR 01 2018  
OREGON GOVERNMENT  
ETHICS COMMISSION

Dear Commissioners,

Our firm was notified today by the OGECT about one of our former employee's, JP Strother (John), error in not filing a quarterly expenditure report for the 4th quarter of 2017. We were unaware he did not file his last report as his employment with Eames Consulting was terminated in the month of October, 2017. Notices to his email account were inaccessible as we terminated his email upon separation from our firm.

It is my understanding that Mr. Strother had been current on his previous filings and this was the first instance of a violation. I assume he was unaware of the error.

We place the highest priority on ensuring all of our employees file their reports on time and accurately. We also understand that ultimately, we are responsible for the consequences of the error and we do apologize for not catching this sooner.

However, if possible, we request the commissioners to consider mitigating or eliminating the financial penalty due to the relevant circumstances and our history of filing timely reports.

Thank you for the consideration of our request and please let me know if you have any further questions.

Sincerely,

Jon

**Jonathan Eames**  
President | Eames Consulting  
[www.eames.consulting](http://www.eames.consulting)  
Mobile: (503) 799-9537





# 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](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

March 5, 2018

Chelsea Brossard  
6790 Embarcadero Lane, #100  
Carlsbad CA 92011

Dear Ms. Brossard:

The written explanation of why your Q3 2017 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 30, 2018, 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 30<sup>th</sup> 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 2017

Lobbyist Code: 1027  
User Name: chelsea.brossard  
Email: chelsea.brossard@ost.state.or.us

Chelsea Brossard  
900 Court Street NE  
Salem, OR 973013896

Q3 2017 Filing:	10/20/2017
Q3 2017 Expended:	\$0.00
Q3 2017 Penalty:	\$50.00

### Activity Log - Q3 2017 to Date

07/06/17 10:52:09.893 - User Successfully Authenticated -  
07/06/17 11:19:39.177 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q2 2017  
10/16/17 01:30:13.813 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/17/17 01:30:11.907 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/18/17 01:30:10.947 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/19/17 01:30:11.297 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/20/17 01:30:11.430 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/20/17 10:39:23.177 - User Successfully Authenticated -  
10/20/17 10:40:06.753 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2017

PREVIOUS VIOLATIONS: NONE

RECOMMENDATION:

*Letter A Ed*  
*(A)*



**DANIEL Kathy \* OGEC**

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**n:** Chelsea Brossard <chelsea.brossard@gmail.com>  
**Sent:** Monday, March 05, 2018 2:25 PM  
**To:** DANIEL Kathy \* OGEC  
**Subject:** Request for waiver

Dear Commissioners,

Thank you so much for your consideration of my following request to waive the \$50 late fee for the lobbyist quarterly report.

After leaving the State Treasurer's office on August 11, my official status as an inactive lobbyist was not filed until the following quarter. I received notification of that fact, but then filed my quarterly report 5 days late. This was my first time filing a late report.

I ask that you consider waiving the \$50 late fee that goes with the late filing.

Thank you again, and I appreciate your time and consideration. Please don't hesitate to reach out if you have any questions.

Best,  
Chelsea Brossard

Chelsea Brossard // (805) 791-9877 // [chelsea.brossard@gmail.com](mailto:chelsea.brossard@gmail.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](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

March 16, 2018

M. Maletis Company  
Attn: Matt Maletis  
3570 SW River Pkwy  
Portland OR 97239.

Dear Mr. Maletis:

The written explanation of why your Q4, 2017 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 30, 2018, 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 Q4, 2017 (\$100) penalty will be extended to coincide with the March 30<sup>th</sup> 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 2017

Client Code: 1655  
User Name: mattmaletis  
Email: mattmaletis@gmail.com

Q4 2017 Filing: 3/15/2018  
Q4 2017 Expended: \$1,500.00  
Q4 2017 Penalty: \$100.00


M. Maletis Company  
Attn: MATT MALETIS  
3570 SW River Pkwy  
Portland, OR 97239

## Activity Log - Q4 2017 to Date

03/11/18 02:52:46.757 - User Profile Created - User profile created for MATT MALETIS  
03/11/18 02:52:47.283 - User Profile Created - A new user profile was created.  
03/11/18 02:52:47.500 - Client Profile Created - The client profile was created.  
03/13/18 02:35:42.140 - Lobbyist Client Registration Updated - The lobbyist/client registration was updated by an administrator.  
03/13/18 03:06:17.313 - User Profile Updated - User profile updated for MATT MALETIS  
03/13/18 03:06:17.323 - User Profile Updated - The user's main profile was updated.  
03/14/18 01:30:07.893 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
03/15/18 01:30:07.217 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
03/15/18 11:22:28.203 - User Successfully Authenticated -  
03/15/18 02:40:18.057 - User Successfully Authenticated -  
03/15/18 03:08:57.667 - Client Report Submitted - Client Report Submitted for Q4 2017

PREVIOUS VIOLATIONS: NONE

RECOMMENDATION:

*Letter of Ed*  


Matt Maletis  
RE: Matthew Maletis Explanation of issues that arose with Client account

Subject:

RECEIVED  
MAR 15 2018  
OREGON GOVERNMENT  
ETHICS COMMISSION

From: Matt Maletis [mailto:matt@mmaletisholdings.com]  
Sent: Thursday, March 15, 2018 5:10 PM  
To: DANIEL Kathy \* OGEC <Kathy.DANIEL@oregon.gov>  
Subject: Matthew Maletis Explanation of issues that arose with Client account

Hello Kathy-

Thank you so much for your time and explanation of the process. It is greatly appreciated as this is my first time filing and going through this process. I will work diligently to ensure that I am in full compliance and that there is no further confusion. As we discussed here is a brief explanation of the issue that arose.

\*\*\*\*\*

I had understood that the filing deadline for both my SEI with OLCC and my lobbying client report was April 15, 2018.

Last week in working with OLCC and OGEC to set up my account for my SEI for work with OLCC I also set up my client account for my work with Prospect / Mike for the first time.

It was at this time I realized that my client account apparently had an earlier filing deadline than my OLCC SEI did.

I immediately contacted OGEC and have since made the necessary filings to ensure my client account for Q4 of 2017 was up to date.

Going forward I will ensure all filings for all accounts are up to date.

It appears that some penalties have accrued on my client account totaling approximately \$100.

Going forward I want to be absolutely certain I am doing as required of me and avoiding any issues such as this.

I am happy to do whatever the commission so desires but wanted to be sure to have provided a written explanation of what occurred.

Thank you for your guidance, time, and consideration in this matter. Matt Maletis

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# 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](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

March 2, 2018

AHIP

Attn: Sunshine Moore

601 Pennsylvania Ave. NW

Washington DC 20004

Dear Ms. Moore:

The written explanation of why your Q4, 2017 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 30, 2018, 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 Q4, 2017 (\$1,600) penalty will be extended to coincide with the March 30<sup>th</sup> 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 2017

Client Code: 1818  
User Name: smoore@ahip.org  
Email: smoore@ahip.org

Q4 2017 Filing: 2/28/2018  
Q4 2017 Expended: \$11,232.45  
Q4 2017 Penalty: \$1,600.00

AHIP  
Attn: Sunshine Moore  
601 Pennsylvania Ave, NW  
Washington, DC 20004

### Activity Log - Q4 2017 to Date

10/16/17 01:30:14.927 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/17/17 01:30:12.717 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/18/17 01:30:11.570 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/19/17 01:30:11.700 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/20/17 01:30:11.837 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/21/17 01:30:10.977 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/22/17 01:30:10.977 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/23/17 01:30:12.713 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/24/17 01:30:11.370 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q3  
10/24/17 10:22:12.923 - User Profile Updated - User profile updated for Grace Campbell  
10/24/17 10:22:28.720 - User Profile Updated - The user's main profile was updated.  
10/24/17 02:34:36.630 - Client Report Submitted - Client Report Submitted for Q3 2017  
10/31/17 12:53:23.787 - User Successfully Authenticated -  
01/01/18 01:32:11.477 - Lobbyist/Client Registration Request Expired - The lobbyist/client registration came to end of term and expired.  
01/03/18 01:55:42.817 - User Profile Created - User profile created for Sunshine Moore  
01/03/18 01:55:43.027 - User Profile Created - A new user profile was created.  
01/03/18 01:55:43.213 - Client Profile Created - The client profile was created.  
01/16/18 02:58:10.603 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/17/18 03:00:32.090 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/18/18 01:30:11.113 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/19/18 01:30:09.090 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/20/18 01:30:09.243 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/21/18 01:30:13.167 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/22/18 01:30:09.657 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/23/18 01:30:12.173 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/24/18 01:30:10.847 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/24/18 07:10:56.060 - User Failed to Authenticate -  
01/24/18 07:11:03.940 - User Successfully Authenticated -  
01/24/18 08:36:33.607 - User Successfully Authenticated -  
01/24/18 08:37:29.953 - User Successfully Authenticated -  
01/25/18 01:30:10.033 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/26/18 01:30:09.380 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/27/18 01:30:08.307 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/28/18 01:30:08.373 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/29/18 01:30:09.423 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/30/18 01:30:07.857 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4  
01/31/18 01:30:07.267 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/01/18 01:30:11.763 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/02/18 01:30:07.980 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/03/18 01:30:06.633 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/04/18 01:30:07.093 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/05/18 01:30:07.717 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/06/18 01:30:08.543 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/07/18 01:30:07.717 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/08/18 01:30:07.760 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/09/18 01:30:10.157 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/10/18 01:30:15.097 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/11/18 01:30:08.273 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/12/18 01:30:11.710 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/13/18 01:30:06.730 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/14/18 01:30:08.793 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/15/18 01:30:07.943 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/16/18 01:30:10.440 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/17/18 01:30:07.793 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4

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# Client/Employer Activity

Q4 2017

Client Code: 1818  
User Name: smoore@ahip.org  
Email: smoore@ahip.org

Q4 2017 Filing: 2/28/2018  
Q4 2017 Expended: \$11,232.45  
Q4 2017 Penalty: \$1,600.00

AHIP  
Attn: Sunshine Moore  
601 Pennsylvania Ave, NW  
Washington, DC 20004

02/18/18 01:30:09.297 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/19/18 01:30:06.767 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/20/18 01:30:13.540 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/21/18 01:30:08.990 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/22/18 01:30:09.523 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/23/18 01:30:08.627 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/24/18 01:30:07.007 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/25/18 01:30:19.090 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/26/18 01:30:37.313 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/27/18 01:30:16.610 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/28/18 01:30:08.383 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4  
02/28/18 02:31:48.427 - User Profile Updated - User profile updated for Sunshine Moore  
02/28/18 02:31:48.457 - User Profile Updated - The user's main profile was updated.  
02/28/18 02:49:10.823 - User Successfully Authenticated -  
02/28/18 02:49:38.310 - User Successfully Authenticated -  
02/28/18 02:52:08.257 - Client Report Submitted - Client Report Submitted for Q4 2017  
02/28/18 03:05:40.940 - User Successfully Authenticated -

## America's Health Insurance Plans

Contact: Grace Campbell until she left the company October 31, 2017.

## AHIP

Same client, new account created with Sunshine Moore as the contact.

2/28/17 When staff discovered this conflict, a call to Ms. Moore resulted in a merge of the two accounts. Ms. Moore had no knowledge of the previous account.

## PAST VIOLATIONS:

Q2 2017, \$20 late filing penalty was paid by Ms. Campbell in cash on 9/1/17.

Q3 2017, \$90 late filing penalty was paid by check on 11/17/17.

## RECOMMENDATION:

3rd violation 20% of penalty = 320<sup>00</sup>

NO comment regarding

(P)

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## DANIEL Kathy \* OGEC

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**From:** Moore, Sunshine <SMOORE@AHIP.ORG>  
**Sent:** Friday, March 02, 2018 8:45 AM  
**To:** DANIEL Kathy \* OGEC  
**Cc:** Moore, Sunshine  
**Subject:** AHIP Request to Drop Penalty

Dear Ms. Daniel:

Thank you so much for your call this week. As we discussed, Grace Campbell left our organization last fall. It appears there was a mix up when the new account under my name was created, not realizing that Elise Brown's client was listed as America's Health Insurance Plans for Grace and as "AHIP" for Sunshine Moore.

The two accounts have now been merged, and I promptly filed our outstanding Q4 report the same day. Given this is our first late penalty, we ask that you waive the \$1,600 fee. Please contact me if there is anything else we can do to resolve this matter.

Thank you.

**Sunshine Moore** | Regional Director, State Affairs  
[America's Health Insurance Plans](#)  
916.996.2376 (Pacific Time)  
[smoore@ahip.org](mailto:smoore@ahip.org)

### Disclaimer

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PO Box 5150 Salem, Oregon 97304

March 13, 2018

Alison R. Kean, Commission Chair  
Government Ethics Commission  
32318 Pringle Road SE. Ste. 220  
Salem, Oregon 97302

RECEIVED  
MAR 15 2018  
OREGON GOVERNMENT  
ETHICS COMMISSION

**RE: Education Letter 2/16/18**

Dear Ms. Kean:

This letter is in response to the Education Letter you sent dated February 16, 2018, regarding the late filing of our lobbying reporting for the 4<sup>th</sup> quarter of 2017. As we previously reported to the Ethics Commission, when the notice for reporting was initially received, the fourth quarter report was not available in the reporting que to submit our information. Additionally, we informed the department that we had been attempting to update our primary contact information in the system which took effect for the organization in January. We made contact to report that we were having trouble with the system locking verified users out when this information was being updated, preventing us for using the electronic filing system for the report. A follow-up email was generated and sent to the commission within the reporting deadline of January 15, 2018, detailing the problems as well as providing our 4<sup>th</sup> quarter information. (See attached email)

Your letter states that our organization violated ORS 171.745 and 171.752. While we were unable to submit our information using the electronic system, CPAO made a good faith effort to comply with the reporting guidelines and to meet the intent of the ethics rules. As you mention in your letter, you found no previous record of delinquent reporting. We believe that no violation occurred in this case and respectfully request the commission remove the incident as a violation from our record.

CPAO supports good governance, including total transparency and accountability to laws and regulations governing money in our political system. The commission can be assured that our organization will make every effort to always comply with the reporting rules.

Sincerely,

Lorelei LaVoie  
CPAO Board President

## Jonathan Johnson

---

**From:** Jonathan Johnson  
**Sent:** Monday, January 15, 2018 11:27 AM  
**To:** 'ogec.mail@oregon.gov'  
**Subject:** Website Access

Hello:

We have been attempting at log in to the system to complete the quarterly report, but not able to gain access. Attempts to reset passwords to gain access did not work. We were able to access the system last week, but when we logged on the quarterly report was not available in the que to enter our information.

**Community Provider Association of Oregon (CPAO)**

Primary Contact: Lorelei LaVoie, Board President

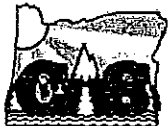
Alternative Contact: Jonathan Johnson, Board Treasurer

Fourth Quarter Reportable Expenditures: \$9,000.00

Lobbyist: Jack Dempsey

*Jonathan Johnson*

Human Resources Director



**Community  
Access  
Services**

1815 NW 169<sup>th</sup> Place, Suite 1060 | Beaverton, OR 97006

Office: 503-533-4373 | Direct Line: 503-597-4083





# 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](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

February 16, 2018

Community Providers Association of Oregon  
Attn: Loralei LaVoie  
PO Box 5150  
Salem OR 97304

### LETTER OF EDUCATION

Re: Client/Employer Late Filing Penalty

Dear Ms. LaVoie:

This letter is being issued to inform you of the requirements of ORS 171.750 and 171.752 because of your failure to timely file a Client/Employer Expenditure Report with the Oregon Government Ethics Commission (Commission).

Your organization is listed as a client or employer of a lobbyist who has registered with the Commission to represent you. Statute requires that you submit a lobbying expenditure report by the 15<sup>th</sup> of the month following each quarter, even if there were no expenses to report, and for any portion of a reporting period prior to the filing of a termination form.

A valid lobbying registration was on file for your organization during the 4<sup>th</sup> quarter 2017 reporting period of October through December, 2017 which required the filing of an expenditure report. You were notified by email through the Electronic Filing System that your report was due by January 15, 2018. After the required filing date passed, you were again notified by email that penalties had begun to accrue. You violated ORS 171.745 and 171.752 by failing to submit your expenditure report by the due date.

The Commission may impose a civil penalty for this violation or it may issue a letter of education in lieu of a civil penalty as provided in 171.992(5). The Commission elected to waive your penalty and issue this letter of education as the sanction in this matter because we found no previous record of delinquent report filing and because of the proactive measures you have taken by accepting responsibility for the error and taking steps to avoid future problems. Additional violations, however, may carry increased penalties. If you have questions about any of the processes, please contact commission staff.

Sincerely,

Alison R. Kean  
Commission Chair



# 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](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

March 19, 2018

Community Providers Association of Oregon  
Attn: Lorelei LaVoie  
PO Box 5150  
Salem OR 97304

Dear Ms. LaVoie:

Your letter dated March 13, 2018, sent in response to our Letter of Education 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 30, 2018, at 9:00 a.m. The Commission will consider the matter at that time. 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.

You will be notified of the outcome in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )  
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 )  
JOHN A. KITZHABER )  
 )  
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\_\_\_\_\_ )

**STIPULATED FINAL ORDER**

**CASE NO. 14-190EDT**

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) against former Governor John Kitzhaber.
  
2. JURISDICTION: At all material times, John Kitzhaber was the Governor of Oregon. Former Governor Kitzhaber was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
  
3. STIPULATED FACTS:
  - A. John Kitzhaber was the Governor of Oregon from January 2011 to February 2015, when the events relevant to this case occurred.
  
  - B. Cylvia Hayes was a member of former Governor Kitzhaber's household as defined in ORS 244.020(10) (2013). Cylvia Hayes served as the First lady of Oregon and as a policy advisor to the Governor's Office on the issues of clean economy, ocean health, and gross prosperity index.
  
  - C. Former Governor Kitzhaber listed 3E Strategies, the company owned by Ms. Hayes, as a source of income as required in ORS 244.060(3) on his annual verified Statements of Economic Interest filed on April 15 in 2012, 2013, and 2014, which required disclosure of his financial interests for 2011, 2012, and 2013, respectively.

- D. During the period 2011-2013, 3E Strategies was a business with which former Governor Kitzhaber was associated, as defined in ORS 244.020(3)(d).
- E. Between February 1 and June 30, 2011, Ms. Hayes earned \$25,675 as an employee of Rural Development Initiatives (RDI), making RDI a source of Governor Kitzhaber's annual household income for 2011, assuming that amount constituted 10% or more of the total household income, and thus a business with which former Governor Kitzhaber was associated as defined in ORS 244.020(3)(d).
- F. Sylvia Hayes worked for RDI to raise funds for, and establish, the West Coast Clean Economy Collaborative.
- G. During the period that Ms. Hayes was employed by RDI, former Governor Kitzhaber was met with potential conflicts of interest when he took official actions and made official decisions related to Ms. Hayes's performance of her employment with RDI. Dr. Kitzhaber was met with potential conflicts of interest because his official actions could have resulted in a financial benefit to RDI.
- H. When met with a potential conflict of interest, ORS 244.120(2) requires an elected public official to make a public announcement of the nature of the potential conflict of interest prior to taking any official action on the matter.
- I. 3E Strategies received payment to advocate, write, and speak on issues of clean energy, ocean acidification, and a clean economy. The payments were received from the following sources: the Clean Economy Acceleration Fellowship through the Clean Economy Development Center (2011, 2012), the Energy Foundation (2013), Resource Media (2013), and Demos (2013).
- J. During calendar years 2011-2013, Dr. Kitzhaber was met with potential

conflicts of interest when making decisions and taking actions in his official capacity as Governor of Oregon when those decisions and actions concerned issues for which 3E Strategies was receiving payment for its advocacy, writing, and speaking on behalf of the Clean Economy Development Center, the Energy Foundation, Resource Media, and Demos. Dr. Kitzhaber was met with potential conflicts of interest because his decisions and actions could have resulted in a financial benefit to 3E Strategies.

- K. When Dr. Kitzhaber was met with the potential conflicts of interest described in paragraphs G and J above, he did not make public announcements of the nature of his potential conflicts of interest as required by ORS 244.120(2) prior to taking action in his official capacity as Governor on the matters. Dr. Kitzhaber's failure to make public announcements of the nature of his potential conflicts of interest related to 3E Strategies and RDI constituted five (5) violations of ORS 244.120(2).
- L. During the calendar years 2011 and 2012, Ms. Hayes, through 3E Strategies, sought funding for her Clean Economy Development Center Fellowship. Prior to and during the calendar year 2013, Ms. Hayes, through 3E Strategies, sought a paid contract with Demos.
- M. During calendar years 2011-2013, Dr. Kitzhaber was met with potential conflicts of interest when making decisions and taking actions in his official capacity as Governor of Oregon that concerned the efforts by Ms. Hayes, through 3E Strategies, to secure fellowship funding and paid contracts. Dr. Kitzhaber was met with potential conflicts of interest because his official decisions and actions could have resulted in a financial benefit to 3E Strategies.
- N. When Dr. Kitzhaber was met with the potential conflicts of interest described

in paragraph L, he did not make public announcements of the nature of his potential conflicts of interest as required by ORS 244.120(2) prior to taking action in his official capacity as Governor on the matters.

- O. Dr. Kitzhaber's failure to make public announcements of the nature of his potential conflicts of interest related to 3E Strategies during the period 2011-2013 concerning Ms. Hayes seeking funding or paid contracts for 3E Strategies, constituted two (2) violations of ORS 244.120(2).
- P. In 2013, former Governor Kitzhaber received Premier Platinum travel status from United Airlines, which has a value of more than \$50. United Airlines had an economic interest in his decision-making as a public official concerning whether to use state funds to travel on United Airlines when traveling on official state business.
- Q. Former Governor Kitzhaber maintains that he did not know that he had received Premier Platinum travel status from United Airlines and did not use the status upgrade. Nonetheless, public officials may not receive no more than \$50 in gifts during a calendar year from a source that could be reasonably known to have an economic interest distinct from that of the general public in the decision or vote of the public official when acting in their official capacity.
- R. Dr. Kitzhaber's receipt of Premier Platinum travel status from United Airlines constituted one (1) violation of ORS 244.025.
- S. During the period January 2011-February 2015, Dr. Kitzhaber received frequent flier miles on one or more occasions when he traveled representing state government, a benefit that accrued to his personal travel.
- T. ORS 244.040(1) prohibits any public official from using their official position

or office to obtain financial gain for the public official, other than official salary, honoraria or reimbursement of expenses. Pursuant to ORS 292.230(2), the use of travel awards obtained while conducting state business for personal travel constitutes personal gain from state employment and violates ORS 244.040.

- U. Dr. Kitzhaber's acceptance of frequent flier miles earned while representing state government constituted one (1) violation of ORS 244.040(1).
- V. During the period 2011-2013, former Governor Kitzhaber provided Ms. Hayes with opportunities to shape the policies of his administration in the areas of clean economy, ocean health, and gross prosperity initiative, for which she and 3E Strategies were paid to advocate by outside sources. Ms. Hayes was provided access to the resources and staff of the Office of the Governor, which she used to accomplish the paid work she performed on behalf of 3E Strategies and herself.
- W. ORS 244.040(1) prohibits any public official from using their official position or office to obtain a financial benefit or avoid a financial detriment for themselves, a household member, or a business with which they or a member of their household is associated, if the financial benefit would not be available but for holding the official position.
- X. Former Governor Kitzhaber, by providing Ms. Hayes with the opportunities to shape the policies of his administration and providing access to the staff and resources of the Office of the Governor, allowed her to advance the work for which she and her business, 3E Strategies, was being paid. These actions constituted one (1) violation of ORS 244.040(1).
- Y. Former Governor Kitzhaber denies that he intentionally used his position as Governor to advance the financial interests of Ms. Hayes or 3E Strategies.

The Commission made no finding that former Governor Kitzhaber intentionally used his position as Governor to advance the financial interests of Ms. Hayes or 3E Strategies. Such intent is not a necessary element of ORS 244.040(1).

Z. ORS 244.350 authorizes the Commission to assess civil penalties of up to \$50,000 as a result of these ten (10) violations.

AA. 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 two (2) violations of ORS 244.040(1), seven (7) violations of ORS 244.120(2), and one (1) violation of ORS 244.025.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On 2/16/18, the Commission acted to find violations, bring the investigative phase to a close, and move to a negotiated settlement or a contested case hearing.
- B. John Kitzhaber will pay a civil penalty, as authorized by ORS 244.350, in the amount of \$20,000 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 John Kitzhaber within the scope of the above-referenced proceedings.
- D. John Kitzhaber 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.

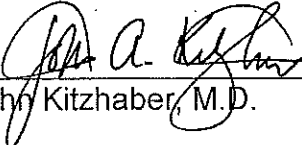
6. EFFECT:

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, John Kitzhaber 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, John Kitzhaber 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.

  
\_\_\_\_\_  
John Kitzhaber, M.D.

15 March 2018  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Alison R. Kean, Chair  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date



BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of )

Theodore Ross )

STIPULATED FINAL ORDER

CASE NO. 15-114EDG

CASE NO. 15-283EDG

- 
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 referenced cases against Theodore Ross.
  2. JURISDICTION: At all material times, Theodore Ross was the Fire Chief or the Executive Administrative Officer of Lakeside Rural Fire Protection District (District). Theodore Ross was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
  3. STIPULATED FACTS:
    - A. Lane County Fleet Auction conducts an annual auction of vehicles and other items in late September. The first days of the Auction are open only to government agencies to submit bids and make purchases. The remaining days of the Auction are open to the general public for bids and purchases. Theodore Ross was the authorized contact person and bidder for the District with the Lane County Fleet Auction.
    - B. On three occasions, Theodore Ross, while Fire Chief of the District, and as authorized contact person/bidder for the District, submitted bids and purchased three vehicles during the portion of the Lane County Fleet Auction open only to government agencies. These vehicles were purchased by Mr. Ross with his own personal funds and were under the control and discretionary use of Mr. Ross:
      - 2007 Dodge Ram 1500 Pickup, VIN 1D7HU18277S102581 purchased at the September 2012 Lane County Fleet Auction for \$750.

- 1999 Dodge Ram 1500 short bed Pickup, VIN 1B7HC16X5XS236338 purchased at the September 2013 Lane County Fleet Auction for \$1,150.
  - 1996 Toyota 4Runner, VIN JT3HM84R9T0013031 purchased at the September 2013 Lane County Fleet Auction for \$1,500.
- C. For a period of time beginning on 5/8/15 and ending sometime prior to 7/10/17, Theodore Ross, as Executive Administrative Officer of the District, received the legal services of the District's legal counsel for his personal representation, at no personal cost to himself.
- D. ORS 244.040(1) prohibits any public official from using their official position or office to obtain a personal financial gain for themselves other than official salary, honoraria or reimbursement of expenses.
- E. The Commission contends that the actions described in paragraph B and C above constituted four (4) violations of ORS 244.040(1).
- F. Theodore Ross contends that the actions described in paragraphs B and C above do not constitute violations of ORS 244.040(1).
- G. ORS 244.120(1)(c) requires that appointed public officials, when met with a statutory conflict of interest, make a written disclosure to their appointing authority of the nature of their conflict and ask that the appointing authority dispose of the issue giving rise to the conflict.
- H. Theodore Ross failed to make written notification to the District Board of Directors of the nature of his conflict of interest and ask that the Board dispose of the conflict prior to purchasing the vehicles described above. The actions described in paragraph B above constituted three violations of ORS 244.120(1)(c).
- I. ORS 244.350 and ORS 244.360 authorizes the Commission to assess civil penalties and monetary forfeiture as a result of these violations.

- J. The Commission contends that 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 four violations of ORS 244.040(1) and three violations of ORS 244.120(1)(c).
- K. Mr. Ross contends that the results of the Commission's investigation, if submitted through exhibits and testimony at a contested case hearing, would fail to establish a preponderance of evidence in support of a post-hearing order to find four violations of ORS 244.040(1).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On 8/25/17, the Commission acted to find violations, bring the investigative phase to a close in Case No. 15-283EDG, and move to a negotiated settlement or a contested case hearing.
- B. On 10/6/17, the Commission acted to find violations, bring the investigative phase to a close in Case No. 15-114EDG and move to a negotiated settlement or a contested case hearing.
- C. The 8/25/17 and 10/6/17 actions were 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 violations of Oregon Government Ethics law by Theodore Ross. Mr. Ross disagrees with some of the Commission's findings. However, in order to conclude this matter, Mr. Ross agrees to the terms and conditions described in this stipulated final order.
- D. Theodore Ross will pay a civil penalty, as authorized by ORS 244.350, in the amount of \$2,000.00 in order to settle and compromise this matter.
- E. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Theodore Ross within the scope of the

above-referenced proceedings.

F. Theodore Ross 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.

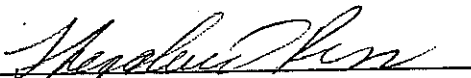
6. EFFECT:

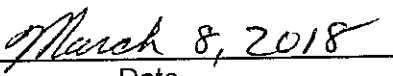
This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Theodore Ross 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, Theodore Ross 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.

  
Theodore Ross

  
Date

\_\_\_\_\_  
Alison R. Kean, Chairperson  
Oregon Government Ethics Commission  
P0753869.v1

\_\_\_\_\_  
Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of )

Bill Quier )

STIPULATED FINAL ORDER

CASE NO. 17-107SMS

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) against Bill Quier.

2. JURISDICTION: At all material times, Bill Quier was a member of the Burns Planning Commission. Bill Quier was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:

A. As a Planning Commission member, Bill Quier was required by ORS 244.050(1)(j) to file an annual verified statement of economic interest on or before April 15 of each year.

B. Bill Quier failed to file the required statements in timely fashion on April 15 of 2013, 2014 and 2015. The statements were filed on April 3, 2017.

C. Each of the actions described in paragraph B above constituted distinct violations of ORS 244.050.

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 \$10,000 in civil penalties for the four 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 March 10, 2017, the Commission acted to find violations of ORS 244.050 and move to a negotiated settlement or a contested case hearing. The March 10, 2017 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 Bill Quier.
- B. In lieu of a civil penalty, as authorized by ORS 244.350, Bill Quier will receive a letter of education 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 Bill Quier within the scope of the above-referenced proceedings.
- D. Bill Quier will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

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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.

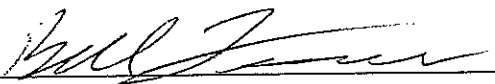
6. EFFECT:

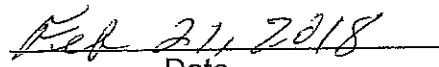
This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Bill Quier 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, Bill Quier 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.

  
\_\_\_\_\_  
Bill Quier

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Alison R. Kean, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

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BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Dean Walker

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STIPULATED FINAL ORDER

CASE NO. 17-124SDG

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) against Dean Walker.
  
2. JURISDICTION: At all material times, Dean Walker was a member of the Talent Planning Commission. Dean Walker was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
  
3. STIPULATED FACTS:
  - A. As a Planning Commission member, Dean Walker was required by ORS 244.050(1)(j) to file an annual verified statement of economic interest on or before April 15 of each year.
  
  - B. Dean Walker failed to file the required statements in timely fashion on April 15 of 2013. The statement was filed on 2/14/18.
  
  - C. The action described in paragraph B above constituted a violation of ORS 244.050.
  
  - 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, as 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 one violation of ORS 244.050.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On March 10, 2017, the Commission acted to find violations of ORS 244.050 and move to a negotiated settlement or a contested case hearing. The March 10, 2017 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 Dean Walker.
- B. In lieu of a civil penalty, as authorized by ORS 244.350, Dean Walker will receive a letter of education 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 Dean Walker within the scope of the above-referenced proceedings.
- D. Dean Walker 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, Dean Walker 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, Dean Walker 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.

  
\_\_\_\_\_  
Dean Walker

3/14/18  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Alison R. Kean, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date



BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of )  
)

Ted Hughes )  
)  
)  
)  
)  
\_\_\_\_\_ )

STIPULATED FINAL ORDER

CASE NO. 17-082MT

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) against Ted Hughes.

2. JURISDICTION: At all material times, Ted Hughes was a registered lobbyist in the State of Oregon subject to the jurisdiction of the Commission pursuant to ORS Chapter 171.

3. STIPULATED FACTS:

A. Ted Hughes was registered as a lobbyist with the Oregon Government Ethics Commission in 2016 and 2017 to represent one client, but performed lobbying services for a second client during this period, Oregon Association of Independent Accountants (OAIA).

B. ORS 171.740 requires that within ten business days after agreeing to provide lobbyist services, a lobbyist shall register with the Oregon Government Ethics Commission.

C. ORS 171.740(3) requires a lobbyist to file a separate registration statement for each person that employs the lobbyist or in whose interest the lobbyist appears or works. If a lobbyist appears or works for a person for whom the lobbyist has not registered, the lobbyist shall register with the commission

not later than ten business days after the day the lobbyist first appears or works for the person.

- D. Mr. Hughes failed to properly register OAIA as a client with the Commission's Electronic Filing System (EFS).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. At its meeting on 10/6/2017, the Oregon Government Ethics Commission (Commission), on its own motion, considered information maintained by the Commission pursuant to its regulatory function in administering Oregon Lobbying Regulation law. The information indicated that Ted Hughes, who was registered as a lobbyist in 2016 and 2017 for one client, may have violated provisions in ORS Chapter 171 by failing to add a second client, Oregon Association of Independent Accountants (OAIA), to his registration.
- B. At its meeting on 1/5/2018, the Commission found that there was a substantial objective basis to believe that Ted Hughes may have violated ORS Chapter 171.740 and that the Commission should investigate accordingly.
- C. To conclude this matter, in lieu of the Commission proceeding with an investigation, Mr. Hughes agrees to the terms and conditions described in this stipulated final order.
- D. Mr. Hughes will pay a civil penalty, as authorized by ORS 171.992, in the amount of \$100.00 in order to settle and compromise this matter.
- E. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Ted Hughes within the scope of the above-referenced proceedings.



F. Ted Hughes 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, Ted Hughes agrees to waive his right to a contested case hearing as provided in ORS Chapter 183 and ORS 171.778. 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, Ted Hughes 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.

Ted Hughes  
Ted Hughes

3/5/2018  
Date

\_\_\_\_\_  
Alison R. Kean, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

(

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( )

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of )  
 )  
 Bobby Walker )  
 )  
 )  
 )  
 )  
 )  
 \_\_\_\_\_ )

STIPULATED FINAL ORDER  
CASE NO. 17-109SMS

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) against Bobby Walker.
  
2. JURISDICTION: At all material times, Bobby Walker was a member of the Cascade Locks Council. Bobby Walker was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
  
3. STIPULATED FACTS:
  - A. As a member of the Cascade Locks Council, Bobby Walker was required by ORS 244.050(1)(j) to file an annual verified statement of economic interest on or before April 15 of each year.
  
  - B. Bobby Walker failed to file the required statement in timely fashion on April 15 of 2013. The statement was filed on April 28, 2017.
  
  - C. Each of the actions described in paragraph B above constituted distinct violations of ORS 244.050.
  
  - 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 \$10,000 in civil penalties for the four 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 March 10, 2017, the Commission acted to find violations of ORS 244.050 and move to a negotiated settlement or a contested case hearing. The March 10, 2017 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 Bobby Walker.
- B. In lieu of a civil penalty, as authorized by ORS 244.350, Bobby Walker will receive a letter of education 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 Bobby Walker within the scope of the above-referenced proceedings.
- D. Bobby Walker 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.

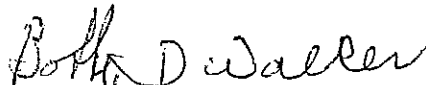
6. EFFECT:

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, Bobby Walker agrees to waive his/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, Bobby Walker agrees to waive his/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.

  
\_\_\_\_\_  
Bobby Walker

2-27-2018  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Alison R. Kean, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

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**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )  
 )  
 )  
 Fred Clauson ) **STIPULATED FINAL ORDER**  
 ) **CASE NO. 15-145XDT, 15-151XDT and 15-161XDT**  
 )  
 )  
 \_\_\_\_\_ )

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) against Fred Clauson.
  
2. JURISDICTION: At all material times, Mr. Clauson was the chairman of the board of directors for the Lakeside Fire District (district). As the governing body of a public body, the members of the board of directors are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 to ORS 192.685.
  
3. STIPULATED FACTS:
  - A. On advice of legal counsel, Mr. Clauson convened and participated in an executive session held by the board of directors on 1/21/15. The purpose of the executive session was to hold discussions of dismissal or disciplining and review or evaluation of the interim fire chief's employment-related performance, as well as consideration of the employment of an interim fire chief or an interim assistant fire chief.

- B. ORS 192.660(2)(b) allows the governing body of a public body to convene an executive session during a regular, special or emergency meeting, after the presiding officer has identified the statutory authorization or lawful basis for holding the executive session [ORS 192.660(1)], 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 governing body must give sufficient advance notice to the affected person of the purpose of the meeting and the right to choose to conduct it in executive session or open session.
- C. ORS 192.660(2)(i) allows the governing body of a public body to convene an executive session during a regular, special or emergency meeting, after the presiding officer has identified the statutory authorization or lawful basis for holding the executive session [ORS 192.660(1)], to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an opening hearing. The governing body must provide sufficient advance notice of the purpose of the executive session to the affected person and of his or her right to decide whether to require that the performance evaluation be conducted in open session.
- D. An executive session may be held by the governing body of a public body to consider the employment of interim fire chief or an interim assistant fire chief under ORS 192.660(2)(a), if the requirements of ORS 192.660(7) are completed prior to convening of any executive session. ORS 192.660(7) required that the public body advertised the vacancy, adopted regular hiring procedures, provided the public the opportunity to comment on the employment of the officer, or adopted hiring standards, criteria and policy directives in meetings open to the public in which the public had the opportunity to comment on the standards, criteria and policy directives.



- E. Mr. Clauson's participation in the 1/21/15 executive session violated the executive session provisions of Oregon Public Meetings law because there was insufficient prerequisite notice provided by the governing body to the interim fire chief in advance of the 1/21/15 executive session and the governing body did not complete the requirements of ORS 192.660(7) prior to convening the 1/21/15 executive session as required.
  
- F. On advice of legal counsel, Mr. Clauson convened and participated in an executive session held by the board of directors on 2/18/15. The purpose of the executive session was to discuss potential dismissal or disciplining of the interim fire chief.
  
- G. ORS 192.660(2)(b) allows the governing body of a public body to convene an executive session during a regular, special or emergency meeting, after the presiding officer has identified the statutory authorization or lawful basis for holding the executive session [ORS 192.660(1)], 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 governing body must give sufficient advance notice to the affected person of the purpose of the meeting and the right to choose to conduct it in executive session or open session.
  
- H. Mr. Clauson's participation in the 2/18/15 executive session violated the executive session provisions of Oregon Public Meetings law because there was insufficient prerequisite notice provided by the governing body to the interim fire chief in advance of the 2/18/15 executive session.
  
- I. On advice of legal counsel, Mr. Clauson convened and participated in an executive session held by the board of directors on 3/18/15. The purpose of the executive session was to discuss potential dismissal or disciplining of the interim fire chief.

- J. ORS 192.660(2)(b) allows the governing body of a public body to convene an executive session during a regular, special or emergency meeting, after the presiding officer has identified the statutory authorization or lawful basis for holding the executive session [ORS 192.660(1)], 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 governing body must give sufficient advance notice to the affected person of the purpose of the meeting and the right to choose to conduct it in executive session or open session.
- K. Mr. Clauson's participation in the 3/18/15 executive session violated the executive session provisions of Oregon Public Meetings law because there was insufficient prerequisite notice provided by the governing body to the interim fire chief in advance of the 3/18/15 executive session.
- L. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$1,000 for each violation of ORS 192.660 unless the violation occurred when the governing body was acting on the advice of the public body's legal counsel [ORS 244.350(2)(b)]. Information indicated Mr. Clauson was acting on the advice of the public body's legal counsel when the aforementioned violations of ORS 192.660(2) occurred.
- M. 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 192.660(2).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On 12/4/15, the Commission acted to find violation, bring the investigative phase to a close and move to a negotiated settlement or a contested case hearing. This action was a preliminary finding of violations of Oregon Public Meetings law, as a prelude to a stipulated settlement or a contested case hearing, and not a final conclusion regarding violations of Oregon Public Meetings law by Fred Clauson.
- B. The Commission is prevented from imposing a civil penalty on Mr. Clauson by ORS 244.350(2)(b) because the governing body was acting on advice of the public body's legal counsel when the violations of ORS 192.660(2) occurred. However, Mr. Clauson will receive a letter of education, as authorized by ORS 244.350(5), 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 Mr. Clauson within the scope of the above-referenced proceedings.
- D. Mr. Clauson 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, Mr. Clauson 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, Mr. Clauson 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.

  
\_\_\_\_\_  
Fred Clauson

02-12-2018  
Date

\_\_\_\_\_  
Alison R. Kean, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )  
 )  
 )  
Anne Graham )  
 )  
 )  
 )  
 )  
\_\_\_\_\_ )

**STIPULATED FINAL ORDER**

**CASE NO. 16-149EMT**

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) against Anne Graham.

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

3. STIPULATED FACTS:

A. Anne Graham was elected to the office of Redmond City Councilor in 2014.

B. Beginning on 2/10/2015, Ms. Graham initiated a series of emails with Redmond's Community Development Director and the Planning Manager in which she objected to the design of a new home being constructed near her own. Although the design and construction plans had already been approved by City staff, Ms. Graham believed that if the construction were to proceed without alteration, it would not only be in violation of what the Planning Commission and City Council approved, but it would negatively impact the value of her own home. Following these communications, the staff required the builder to make modifications.

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- C. Ms. Graham did not disclose a conflict of interest prior to taking the actions in paragraph B above.
- D. ORS 244.040(1) prohibits any public official from using their official position or office to obtain financial gain or avoid a financial detriment for the public official, that would not be available but for holding their official position.
- E. ORS 244.120 requires public officials to disclose conflicts of interest prior to taking official action, which could or would result in financial impact to the public official.
- F. The actions described in paragraph (B) and (C) above constituted one (1) violation each of ORS 244.040(1) and ORS 244.120(2).
- G. ORS 244.350 authorizes the Commission to assess civil penalties of up to \$5,000 for each violation.
- H. 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 244.040(1) and ORS 244.120(2).

DISPUTED FACTS:

- I. The Commission contends that each of the actions described in paragraphs (B) and (C) above constituted distinct violations of ORS 244.040(1) and ORS 244.120(2).

Ms. Graham contends that the actions described in paragraphs (B) and (C) above did not constitute violations of ORS 244.040(1) and ORS 244.120(2).

- J. The Commission contends that the results of its 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 244.040(1) and ORS 244.120(2).

Ms. Graham contends that the results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing would not establish a preponderance of evidence in support of a post-hearing notice to find any violations of ORS 244.040(1) and ORS 244.120(2).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On 7/14/17, the Commission acted to find violation, bring the investigative phase to a close and move to a negotiated settlement or a contested case hearing. The 7/14/17 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 Anne Graham.
- B. To conclude this matter, Ms. Graham agrees to the terms and conditions described in this stipulated final order.
- C. In lieu of a civil penalty, as authorized by ORS 244.350, Ms. Graham will receive a letter of education to settle and compromise this matter.
- D. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Anne Graham within the scope of the above-referenced proceedings.

E. Anne Graham 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, Anne Graham 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, Anne Graham 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.

  
Anne Graham

2/3/18  
Date

\_\_\_\_\_  
Alison R. Kean, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
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](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

February 8, 2018

Tim Ramis, City Attorney  
Jordan Ramis PC  
Two Centerpointe Dr, 6<sup>th</sup> Floor  
Lake Oswego, Oregon 97035

Dear Mr. Ramis: *18-055 I*

This letter of advice is provided in response to your request received on February 5, 2018, which presented a question regarding the application of Oregon Government Ethics law as to the City of Milwaukie's ("City") use of education vouchers provided by Clackamas Community college. The analysis and advice that follows is 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 presented.

According to the information provided in your request, Clackamas Community College ("CCC") sent out tuition vouchers to local organizations as a "thank you" for partnering with them in the community. The City of Milwaukie is one of the organizations that has receive the Partner Vouchers. The City has discussed distributing the vouchers to interested City employees, but is concerned about issues that may arise in connection with Oregon Government Ethics law, particularly with regard to the gift limit (ORS 244.020(7); ORS 244.025) and prohibited use of official position or office (ORS 244.040).

As City Attorney, you have been asked to obtain an answer as to whether City employees may accept these tuition vouchers, and if so, whether there are any limits to accepting.

When a public official is offered something of economic value at no cost (or for a discounted cost), the proper analysis to use in determining whether the public official can accept depends on who the source is (*i.e.*, the identity of the offeror). When a public official is offered something of economic value from someone other than the public body the official represents, determining whether the official can accept requires analysis of the gift provisions. Conversely, when a public official is offered something of economic value from the public body the official represents, we look to ORS 244.040 to determine whether receipt would constitute a prohibited use of position or office.



In this case, although the tuition vouchers originated with CCC, the City would actually appear to be the source when it comes to offering them to City employees. This is because once CCC gives the tuition vouchers over to the possession and control of the City, they become property of the City to be disposed of in whatever manner the City sees fit – the City may choose to distribute them among employees, or not. Thus, ORS 244.040 governs.

ORS 244.040(1) generally prohibits public officials from using or attempting to use their public positions to obtain any financial benefit or avoid any cost, if the benefit or avoidance of cost would not otherwise be available “but for” the public official holding the position. However, despite the general prohibition in ORS 244.040(1), public officials are still permitted to accept benefits of employment from their public bodies, so long as the benefit is part of the public official's “official compensation package” (per ORS 244.040(2)(c)).

An “official compensation package” means the wages and other benefits provided to the public official. To be part of the public official's “official compensation package,” the wages and benefits must have been specifically approved by the public body in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials... (OAR 199-005-0035(3)).

In other words, City of Milwaukie employees can accept and use the CCC tuition vouchers without violating Oregon Government Ethics law, as long as it is consistent with what the City's official compensation package allows. To ensure that use of the CCC tuition vouchers is in compliance with Government Ethics regulations, the City simply needs to ensure that they are used in adherence with the Training & Development policy that has already been adopted by the City.

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/hw

\*\*\*\*\*DISCLAIMER\*\*\*\*\*

This advice is provided under the authority given in ORS 244.284(1) and offers guidance on how Oregon Government Ethics law may apply to the specific facts described herein. This advice 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:** Maggie Daly  
**To:** [WEEDN Hayley \\* OGEC](mailto:WEEDN.Hayley@ogec.org)  
**Cc:** [Tim Ramis](mailto:Tim.Ramis@jordanramis.com)  
**Subject:** RE: City of Milwaukie - Use of tuition vouchers by city employees [IWOV-Worksite.FID1366293]  
**Date:** Thursday, February 08, 2018 3:55:02 PM

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Hi Haley –

Sorry for the delay - please mail the response to:

Tim Ramis, City Attorney  
Jordan Ramis PC  
Two Centerpointe Dr., 6<sup>th</sup> Floor  
Lake Oswego, OR 97035

MAGGIE DALY | Paralegal  
Jordan Ramis PC | Attorneys at Law  
Direct: 503-598-5516 Main: 503-598-7070

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**From:** WEEDN Hayley \* OGEC [mailto:[Hayley.WEEDN@oregon.gov](mailto:Hayley.WEEDN@oregon.gov)]  
**Sent:** Thursday, February 8, 2018 8:24 AM  
**To:** Maggie Daly <[Maggie.Daly@jordanramis.com](mailto:Maggie.Daly@jordanramis.com)>  
**Cc:** Tim Ramis <[Tim.Ramis@jordanramis.com](mailto:Tim.Ramis@jordanramis.com)>  
**Subject:** FW: City of Milwaukie - Use of tuition vouchers by city employees [IWOV-Worksite.FID1366293]

Please respond with a physical mailing address to which the official hard copy of your response should be sent.

—  
Hayley D. Weedn  
Program Analyst/Trainer  
Government Ethics Commission  
3218 Pringle Rd SE, Ste. 220  
Salem, OR 97302-1544  
[hayley.weedn@oregon.gov](mailto:hayley.weedn@oregon.gov)  
ph: 503.378.8066  
fx: 503.373.1456

**\*\*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:** HUNTER David \* OGEC  
**Sent:** Thursday, February 08, 2018 8:20 AM  
**To:** WEEDN Hayley \* OGEC <[Hayley.WEEDN@oregon.gov](mailto:Hayley.WEEDN@oregon.gov)>  
**Subject:** FW: City of Milwaukie - Use of tuition vouchers by city employees [IWOV-Worksite.FID1366293]

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**From:** HUNTER David \* OGEC **On Behalf Of** OGEC Mail \* OGEC  
**Sent:** Monday, February 05, 2018 2:26 PM  
**To:** HEDRICK Tammy R \* OGEC <[Tammy.R.HEDRICK@oregon.gov](mailto:Tammy.R.HEDRICK@oregon.gov)>  
**Subject:** FW: City of Milwaukie - Use of tuition vouchers by city employees [IWOV-Worksite.FID1366293]

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**From:** Maggie Daly [<mailto:Maggie.Daly@jordanramis.com>]  
**Sent:** Monday, February 05, 2018 2:09 PM  
**To:** OGEC Mail \* OGEC <[OGEC.Mail@oregon.gov](mailto:OGEC.Mail@oregon.gov)>  
**Cc:** Tim Ramis <[Tim.Ramis@jordanramis.com](mailto:Tim.Ramis@jordanramis.com)>  
**Subject:** City of Milwaukie - Use of tuition vouchers by city employees [IWOV-Worksite.FID1366293]

Good afternoon –

Tim Ramis is the City Attorney for the City of Milwaukie. He has been asked by the City of Milwaukie to obtain an advisory opinion on the following facts and questions.

Facts:

Clackamas Community College (“CCC”) sent out tuition vouchers to local organizations to thank the organizations for partnering with them in the community. The flyer from CCC is attached. The City of Milwaukie was one of the organizations offered the Partner Vouchers. The City has discussed distributing the vouchers to interested employees. The City is concerned about issues that may arise in connection with distribution of the tuition vouchers such as concerns about ORS 244.020(7) , gifts, and ORS 244.040, use of official position or office for personal benefit.

Questions:

- 1) Does Oregon Government Ethics law prohibit city employees who may make a legislative or administrative decision related to CCC from accepting the tuition vouchers for personal use?
- 2) Does Oregon Government Ethics law prohibit city employees from accepting the tuition vouchers for personal use?

- 3) Does the analysis change if use of the voucher is limited by the City to classes which contribute to job related training or education of the voucher recipient?
- 4) Does the analysis change if the time spent in class is recognized by the City as a part of the employee's work time?

Please contact me or Mr. Ramis if you need any additional information concerning these questions.

Thank you -

**MAGGIE DALY** | Paralegal  
**Jordan Ramis PC** | Attorneys at Law  
Direct: 503-598-5516 Main: 503-598-7070

Portland OR | Vancouver WA | Bend OR  
[www.jordanramis.com](http://www.jordanramis.com)

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## CCC Gives Back

Greetings!

Your contribution to our community and our institution matters to Clackamas Community College and we would like to say **THANK YOU** by giving back to our partners.

Attached you will find a CCC "*Gives Back*" Partner Voucher to be redeemed by an employee of your organization. This voucher is good for one tuition free course, up to five credits, for Winter Term 2018. Course fees and books will be the responsibility of the recipient.

Your organization may print up to 20 of these vouchers to be used at your discretion. Recipients may use the voucher to register for any course with seats available, beginning January 6, 2018. To best support your employee, recipients must apply for admission online (no fee) prior to using the voucher. This will help make registration go smoothly.

**Vouchers must be redeemed in person and seats are limited**, so we encourage recipients to apply online prior to January 6 and then come to Roger Rook Hall on the Oregon City Campus to register on January 6 from 9 a.m. to 1 p.m. For questions, contact [registration@clackamas.edu](mailto:registration@clackamas.edu).

19600 Molalla Avenue, Oregon City, OR | 97045-7998  
Education that works | [www.clackamas.edu](http://www.clackamas.edu)



# CCC "Gives Back" Partner Voucher

This certifies that \_\_\_\_\_  
is the recipient of a tuition voucher for enrollment in a  
Clackamas Community College Winter Term 2018 course.\*

Partner voucher registration begins Saturday, January 6, 2018 and must be redeemed in person. See registration information on reverse side. Valid for Winter Term 2018 only. Please complete the following prior to redeeming:

\_\_\_\_\_  
*Company Name*

\_\_\_\_\_  
*Employee Name*

\_\_\_\_\_  
*Authorizing Company Signature*

\_\_\_\_\_  
*Employee Job Title*

\_\_\_\_\_  
*Company Address*

\_\_\_\_\_  
*Employee Address*

\_\_\_\_\_  
*Phone Number*

\_\_\_\_\_  
*Employee Phone Number*

*\*Please note the following voucher restrictions: Vouchers are intended for employees of CCC community and employer partners only. Vouchers may not be transferred to employee friends, family and/or other individuals. Community Education and/or fee only courses do not apply. Vouchers cannot be used for a course in which the recipient is already registered. Vouchers are valid at the time of registration only and may not be redeemed for cash. Vouchers are to be used toward tuition charges only. Valid for 1 course, up to 5 credits. Course and student fees as well as books remain the responsibility of the recipient. Only one voucher per person is allowed.*



THIS SECTION COMPLETED BY CCC REPRESENTATIVE:

Date redeemed \_\_\_\_\_

Course and number of credits: \_\_\_\_\_

ES Staff Initials \_\_\_\_\_ Student ID# \_\_\_\_\_

Clackamas Community College would like to take this opportunity to thank our partners for their continued support. Follow the easy steps below to take a course this term:

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FILTER

COURSE	TITLE	MEETING INFORMATION			NUMBER	DATES	CAMPUS	CREDITS	FACULTY	AVAILABI
		DAY	ROOM	TIME						
BA-101-01	Introduction to Business	M,W	M-229	8:00AM-9:50AM	277937	01/08 - 03/24	Oregon City Campus	4	Hatfield, Robert	16

#### 3. How to use your voucher:

- Apply online prior to registering for a course at CCC on Saturday, January 6 at [onlineapplication.clackamas.edu](http://onlineapplication.clackamas.edu). Vouchers must be redeemed in person.
- Former CCC students do not need to reapply.
- After you apply, you'll receive a notice regarding mandatory online orientation. While it has valuable information for students, it will be waived for you at the time of registration.

For your convenience, the Enrollment Services Center at the Oregon City Campus Roger Rook Hall will be open on Saturday, January 6 from 9 a.m.-1 p.m. After January 6, all other business hours apply.

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# 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](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

February 15, 2018

Court Street Consulting, LLC  
Genoa Ingram  
1284 Court Street NE  
Salem, Oregon 97301

Dear Ms. Ingram: *KB-0591*

This letter of advice is provided in response to your request received on January 23, 2018, which presented questions as to the application of Oregon Government Ethics law's gift limit and how to determine the value of a gift. 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.

According to the information provided in your original request, you and several of your clients (who are public officials) recently attended a bill signing ceremony with two legislators, and the group was photographed as the Governor signed the bill. The Governor gave those in attendance the pens used to sign the bill. You would like to pay a professional to frame the photos and mount the pens as a gift for the public officials in attendance. However, you are concerned that accepting may cause them to violate Oregon Government Ethics law's gift limit. Specifically, you would like to know whether the \$50 gift limit applies in this situation, and if so, how you should go about determining the value of each item.

In 2009, ORS 244.040(2) was amended to read that as long as acceptance of a gift does not otherwise violate Oregon Government Ethics law, it also does not violate ORS 244.040. Thus, the place to begin this analysis is with ORS 244.025, the \$50 gift limit. It states that a public official is limited to accepting no more than \$50 worth of gift(s)—per year—from any source that might reasonably have an economic interest in the receiving public official's decision-making. As lobbyists and their clients clearly have an economic interest in legislative officials' decision-making, the \$50 limit stated in ORS 244.025 would certainly apply in this case.

Nonetheless, as you know, there are a number of exceptions to the \$50 limit (see ORS 244.040(2), ORS 244.020(7)(b)) that might apply here. In your request for an opinion, you specifically inquired as to whether either of the two "award" exceptions might apply, so I will specifically address each one. The exception for awards for



professional achievement (under ORS 244.040(2)) does not apply, because this agency has never considered public officials acting in the regular course of their duties to constitute an achievement. On the other hand, the exception for awards of appreciation (under ORS 244.020(7)(b)(C)) applies to items given as tokens or awards of appreciation, as long as the item is a "plaque, trophy, desk item, wall memento, or similar..." and has a "resale value... [of] less than \$25." This latter exception appears that it will apply, *as long as the pens are mounted in such a way that they no longer serve their intended use (i.e., the item serves as a memento as opposed to a custom-made pen holder).*

To your final question regarding how to properly determine the value of such gifts, the Commission promulgated OAR 199-005-0005 to clarify their value as generally determined by "[t]he fair market value of the merchandise, goods, or services received...". However, awards of appreciation that fall under ORS 244.020(7)(b)(C) are valued a little bit differently. OAR 199-005-0010 specifies that with regard to this particular exception, it's "resale value" that matters (not fair market value). In other words, awards for appreciation are unique in that the costs associated with acquiring them is not relevant. Rather, their value depends on what the average person would pay for it at resale. OAR 199-005-0010 clarifies that "[e]ngraved 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 value over \$25 as a raw material." That same logic appears to apply here, because a being gifted a photo of yourself is such a personalized item.

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/hw

\*\*\*\*\*DISCLAIMER\*\*\*\*\*

This advice is provided under the authority given in ORS 244.284(1) and offers guidance on how Oregon Government Ethics law may apply to the 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 herein.

**From:** [HUNTER David \\* OGEC](#)  
**To:** [WEEDN Hayley \\* OGEC](#)  
**Subject:** FW: Request for Staff Opinion  
**Date:** Thursday, February 08, 2018 1:52:15 PM  
**Attachments:** [image002.png](#)

---

**From:** Genoa Ingram [mailto:[genoa@teleport.com](mailto:genoa@teleport.com)]  
**Sent:** Thursday, February 08, 2018 10:27 AM  
**To:** OGEC Mail \* OGEC <[OGEC.Mail@oregon.gov](mailto:OGEC.Mail@oregon.gov)>  
**Subject:** FW: Request for Staff Opinion

Hi. Just checking to see if this was received. Thanks so much.

---

**From:** Genoa Ingram [mailto:[genoa@courtstreetconsulting.org](mailto:genoa@courtstreetconsulting.org)]  
**Sent:** Tuesday, January 23, 2018 10:01 AM  
**To:** 'ogec.mail@oregon.gov' <[ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)>  
**Subject:** Request for Staff Opinion

I am writing to request a staff opinion with regard to the gift limitations under ORS 244.040(2) which provides that "No public official or candidate for office or a relative of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$100 from any single source who could reasonably be known to have a legislative or administrative interest..."

Several of my public safety clients (public officials) and I recently attended a bill signing ceremony with two legislators and were photographed as the Governor signed the bill. The Governor also gave everyone in attendance the pens used to sign the bill. I would like to have the photographs framed and pens mounted to give to each person present but am concerned that the framing and mounting may exceed the \$100 limit, including materials and labor. Would this fall into the same category as an award that is personalized (I'm sure no one else would find value in our photo); however, I need to know if the framing exceeds \$100 (I assume the bulk of that would be labor) if that is a violation. Hope this all makes sense. Feel free to call if additional clarification is needed. Thanks so much for of your help through the years.

*Genoa Ingram*

Court Street Consulting, LLC  
1284 Court Street NE  
Salem, OR 97301  
(503) 378-0595  
Fax: (503) 364-9919  
[genoa@courtstreetconsulting.org](mailto:genoa@courtstreetconsulting.org)





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# 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](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

March 23, 2018

Leslie Cummings  
Deputy Secretary of State  
900 Court Street NE, #136  
Salem, OR 97310

RE: Advice 18-090I

Dear Ms. Cummings:

This letter of advice is provided in response to your request, received on March 16, 2018, and subsequent clarifying emails, which presented a question regarding the application of Oregon Government Ethics law to adding a benefit to the Secretary of State's official compensation package. 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.

### **Synopsis of Facts as Presented to the Commission**

The Deputy Secretary of State is considering including in the Secretary of State's official compensation package the services of a security professional who would "drive and accompany the Secretary to all state or personal meetings located outside his state offices."

The Deputy Secretary notes that the Governor's compensation package includes 24/7 security protection. (Security protection is provided to the Governor by the Dignitary Protection Unit of the Oregon State Police.) The Deputy would intend to provide security protection to the Secretary of State through a person "certified under ORS 181A.855(1)(a)(A)-(C)," a certified private security professional rather than a police officer or a person appointed by the Governor to perform law enforcement or security services. The Deputy intends that this service be provided by either an employee of the Secretary of State's office or through a private contractor.

The Secretary of State's salary is established by ORS 292.311. The Secretary's retirement, health, and insurance benefits are authorized by 292.430. The Deputy Secretary states that the Secretary of State has inherent constitutional authority, as codified in ORS 177.050, to determine compensation packages for everyone in the agency, including the Secretary of State, within the bounds of legislative appropriation. ORS 177.050 authorizes the Secretary to employ and appoint personnel to aid in the performance of the duties of the Secretary of State's office. It also authorizes the Secretary to adopt rules, policies, and procedures necessary to establish a system of personnel administration based on merit principles. The Deputy writes that she believes that the Secretary's authority to determine compensation packages includes authority to specify benefits in the Secretary's compensation package not established by statute. The Deputy also explains that, to avoid any conflict of interest, the Deputy establishes

the benefits in the Secretary's compensation package that are not established by statute under the authority in ORS 177.040. ORS 177.040 gives the Deputy power to perform any act or duty of the Secretary of State but makes the Secretary responsible for all acts of the Deputy.

#### **Application of Oregon Government Ethics law**

The Oregon Government Ethics Commission (Commission) has no authority to interpret Constitutional provisions, ORS 177.040, or ORS 177.050, therefore this advice does not address whether it is within the office of Secretary of State's power to authorize the provision of private security and transportation to the Secretary. The Commission's authority is limited to providing "advice on the application of any provision of [ORS chapter 244] to any proposed transaction or any actual or hypothetical circumstance." ORS 244.280, 244.284

Providing private security to the Secretary as part of his compensation package would benefit him as he would avoid the financial burden of paying for his own transportation and private security. Because of the financial benefit to the Secretary, provisions of ORS chapter 244 are implicated.

First, ORS 244.040(1) prohibits the Secretary of State from using or attempting to use his official position to obtain a private financial benefit or avoid a financial detriment for himself that would not otherwise be available but for holding his official position. However, a public official is allowed to accept reimbursement of expenses or any part of their official compensation package. [ORS 244.040(2)]

An official compensation package is defined as the wages and other benefits provided to the public official. To be part of the public official's "official compensation package", the wages and benefits must have been specifically approved by the public body in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials. The direct payment of a public official's expenses by the public body, in accordance with the public body's policies, are also part of one's official compensation package. [OAR 199-005-0035(3)]

Reimbursement of expenses means the 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. [199-005-0035(4)]

The term "official duties" means that the public official's actions are directly related to serving the state of Oregon or any of its political subdivisions or any other public body as a public official. [OAR 199-005-0035(2)]

ORS 244.040 also prohibits public officials from using their office to obtain financial gain for their relative, household member, or a business with which they or their relative or household member are associated. For example, the Secretary could not hire a private

security firm or individual if the effect would be to provide a financial benefit to a relative, household member, or a business with which the Secretary, a relative, or a household member were associated.

Second, a public official is met with an actual conflict of interest when participating in their official capacity, in any action, decision, or recommendation, if the effect would be a direct financial impact on themselves, their relative, or any business with which they or a relative are associated. ORS 244.020(1)

The Secretary of State would be met with an actual conflict of interest by taking any action in his official capacity with respect to establishing his own compensation. Before the Secretary of State's office establishes compensation for the Secretary that is not provided by statute, the Secretary must announce the nature of the conflict publicly and refrain from participating in any discussion or debate concerning the establishment of his own compensation. Such a public announcement could be through a press release, a posting on the Secretary of State's official website, or any other means designed to inform the public. ORS 244.120(2)(b)

If the Secretary of State's office wishes to include an additional benefit in the Secretary's official compensation package, it must be specifically approved by the Secretary of State's office in a formal manner, in compliance with OAR 199-005-0035(3) and in the same manner as other elements of official compensation provided to employees in the Secretary of State's office.

In addition to the provisions within the Commission's jurisdiction, there may be other applicable laws, policies, or procedures that would apply to these circumstances, which are not addressed in this advice.

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/dg

\*\*\*\*\*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.

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OFFICE OF THE  
SECRETARY OF STATE

DENNIS RICHARDSON  
SECRETARY OF STATE

LESLIE CUMMINGS  
DEPUTY SECRETARY OF STATE



900 Court Street NE, #136  
Salem, Oregon 97310

(503) 986-1500

<http://sos.oregon.gov>

Ronald Bersin  
Executive Director  
Oregon Government Ethics Commission  
3218 Pringle Rd. SE, Suite 220  
Salem, OR 97302

March 15, 2018

Dear Executive Director Bersin,

Oregon's Secretary of State is the constitutional officer who is second in line to the Governor. The Secretary must be prepared to assume command of the state if the Governor resigns or is unable to function as Governor, such as in the case of a catastrophic emergency. The Secretary carries a satellite phone in his vehicle to be prepared to assume command at any time. The Secretary is also a backup to the Governor for a variety of functions, having the same role as a Lieutenant Governor in other states. In fact, Secretaries of State have long been members of the National Lieutenant Governors Association, as is the current Secretary.

Even in normal circumstances, the Secretary has extensive responsibilities overseeing elections, audits, corporations, public records, administrative rules, redistricting, state lands, and civics education. The Secretary manages a staff of over 200 public servants and holds meetings throughout Oregon with individuals, various groups, and key stakeholders about the activities of the Secretary of State's office. The Secretary often reports on the work of the agency and solicits ideas on possible improvements. For example, the Secretary's meetings include, but are not limited to, meeting with county clerks and political parties about elections, business owners about business registration and small business assistance, government leaders about audit findings, educators and students about civics education, and members of the media about voting rights and many other matters.

The second-highest state office necessarily comes with significant public scrutiny. Current and past secretaries have sometimes faced threats of violence. Due to the alarming increase in tension and polarization in our nation recently, I am concerned for the Secretary's safety as he travels the state.

The Governor's office addresses similar concerns by including in the Governor's compensation package 24/7 assistance with driving and security, including for personal meetings and doctor's appointments. As the Deputy Secretary of State, I am responsible for determining the Secretary's compensation package. In light of the Secretary's position as the constitutional officer second in line to the Governor, I believe it is in the public interest to include in the

OFFICE OF THE  
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DENNIS RICHARDSON  
SECRETARY OF STATE

LESLIE CUMMINGS  
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Secretary's compensation package a similar provision for a security professional certified under ORS 181A.855(1)(a)(A)-(c) to drive and accompany the Secretary to all state or personal meetings located outside his state offices. This would also increase efficiency by enabling the Secretary to work on state business during transit times through use of his phone, laptop, or other mobile devices. I believe that this action is consistent with Oregon's ethics laws, including ORS 244.040. Out of an abundance of caution, I am seeking your confirmation and guidance.

Sincerely,

Leslie Cummings  
Deputy Secretary of State

**GOULD Diane \* OGEC**

---

**From:** BERSIN Ron A \* OGEC <Ron.A.Bersin@oregon.gov>  
**Sent:** Friday, March 16, 2018 1:51 PM  
**To:** GOULD Diane \* OGEC  
**Subject:** FW: Guidance Assistance  
**Attachments:** image001.png

Here is some more information on the Secretary of State's request. Thanks

*Ronald A. Bersin*  
Executive Director  
Oregon Government Ethics Commission  
(503) 378-5105

\*\*\*The Oregon Government Ethics Commission believes your comments are important to our success. We would appreciate you taking a few minutes to participate in a brief survey. [Click here to access customer survey.](#)

**From:** CUMMINGS Leslie \* SOS  
**Sent:** Friday, March 16, 2018 1:08 PM  
**To:** BERSIN Ron A \* OGEC <Ron.A.Bersin@oregon.gov>  
**Subject:** Fwd: Guidance Assistance

Director Bersin:

We agree that the Secretary's salary and stipend are set by the legislature in ORS 292.311(2). We also agree the legislature determined in ORS 292.430 that the Secretary may receive the PERS "pick up," as well as "health, dental, life and long-term disability insurance." However, aspects of the compensation package not otherwise addressed in statute are determined by the Deputy Secretary of State.

The Secretary of State has inherent constitutional authority as one of the three independent constitutional officers to determine compensation packages for all in the agency, within the bounds of legislative appropriations. This has long been recognized by the legislature and DAS. This is also reflected in ORS 177.050, which specifies that the Secretary of State sets rules, policies, and procedures necessary for personnel administration in the agency, which are exempt from most state personnel policies in ORS 240.

My understanding is that the Secretary's authority includes elements of a compensation package not otherwise set by statute, such as telework policies, granting of extra holidays or administrative leave, or granting of security protection.

The Deputy Secretary of State is authorized under ORS 177.040 to perform any act or duty of the Secretary. To avoid any possible conflicts of interest, the Deputy makes decisions regarding the Secretary's compensation package that are not determined elsewhere in statute.

Please let me know if there is anything else I can get for you. Much appreciated.

Leslie

**From:** BERSIN Ron A \* OGEC <[Ron.A.Bersin@oregon.gov](mailto:Ron.A.Bersin@oregon.gov)>  
**Date:** March 16, 2018 at 9:12:49 AM PDT  
**To:** CUMMINGS Leslie \* SOS <[Leslie.CUMMINGS@oregon.gov](mailto:Leslie.CUMMINGS@oregon.gov)>  
**Subject:** RE: Guidance Assistance

Thanks for the letter and question. You mention that you as Deputy Secretary have responsibility for determining the Secretary's compensation package. Could you please provide where this authority is coming from. Is it statutory or through administrative rule? I can only find ORS 292.311(2) which determines the Secretary's yearly salary. Thanks for your help.

*Ronald A. Bersin*

Executive Director

Oregon Government Ethics Commission

(503) 378-5105

\*\*\*The Oregon Government Ethics Commission believes your comments are important to our success. We would appreciate you taking a few minutes to participate in a brief survey. [Click here to access customer survey.](#)

**From:** CUMMINGS Leslie \* SOS  
**Sent:** Thursday, March 15, 2018 5:51 PM  
**To:** BERSIN Ron A \* OGEC <[Ron.A.Bersin@oregon.gov](mailto:Ron.A.Bersin@oregon.gov)>  
**Subject:** Guidance Assistance

Director Bersin:

I am requesting your guidance regarding an emerging specialized services need for Secretary in the attached letter. Thank you in advance for your assistance.

Respectfully,

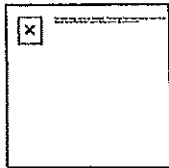
Leslie

Leslie Cummings, Phd., CISSP, PMP

Deputy Secretary of State

503-986-6365

[Leslie.Cummings@state.or.us](mailto:Leslie.Cummings@state.or.us)



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\*\*\*\*\*

**GOULD Diane \* OGEC**

---

**From:** ELZINGA Stephen \* SOS  
**Sent:** Thursday, March 22, 2018 10:47 AM  
**To:** GOULD Diane \* OGEC; CUMMINGS Leslie \* SOS  
**Subject:** RE: Request for advice clarification

Diane,

Thank you for your assistance with this question. Our response are below:

- 1. We are not inquiring about DPU protection as that would be prohibitively expensive.
- 2. We are inquiring about use of a public employee or private contractor who is also certified as a private security professional.
- 3. We are not inquiring about 24/7 protection as that would be prohibitively expensive. We are inquiring about protection while the Secretary is traveling around the state.

Thank you,  
Steve



Steve Elzinga  
Governmental & Legal Affairs Director  
Office of the Secretary of State  
503-986-2259 (desk)  
971-283-0001 (cell)  
[stephen.elzinga@oregon.gov](mailto:stephen.elzinga@oregon.gov)

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\*\*\*\*\*

**From:** GOULD Diane \* OGEC  
**Sent:** Thursday, March 22, 2018 9:54 AM  
**To:** ELZINGA Stephen \* SOS <Stephen.ELZINGA@oregon.gov>; CUMMINGS Leslie \* SOS <Leslie.CUMMINGS@oregon.gov>  
**Subject:** Request for advice clarification

Attached is the information Deputy Cummings supplied when requesting advice from the Commission recently. Since then I have spoken with each of you to clarify some aspects of the request. Now I am asking that you respond to the following questions in writing.

The written request cites the Governor's 24/7 assistance with driving and security, including for personal meetings and appointments. The request then posits providing for the Secretary "a similar provision for a security professional certified under ORS 181A.855(1)(a)(A)-(C) to drive and accompany the Secretary to all state or personal meetings..." These questions are to clarify what is meant by "a similar provision" to that of the Governor.

- 84-A10 -

- 1) You verbally clarified that you are not inquiring about DPU protection such as is provided to the Governor. Please confirm in writing.
- 2) You clarified verbally that these duties could possibly be provided by an employee or a private contractor. However, the statute you cited in your written request describe requirements for a PRIVATE SECURITY PROFESSIONAL, which by definition is not a government employee. Please clarify if you are envisioning employing as a state employee, someone who is a private security professional.
- 3) You describe the Governor's DPU protection as 24/7. You clarified verbally that you are not envisioning 24/7 protection for the Secretary. Please clarify in writing.

Thank you very much.

Diane Gould, Investigator  
Government Ethics Commission  
3218 Pringle Rd SE, Suite 220  
Salem, OR 97302  
PH: 503-378-5105  
FAX: 503-373-1456

- 84-A-12 -





# Oregon

John A. Kitzhaber, MD, Governor

Government Ethics Commission

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Web Site: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

March 14, 2013

Marla Rae  
Oregon Capitol Club, Inc  
900 Court St NE, 60-G  
Salem, OR 97301

Dear Ms. Rae:

This is in response to your request for staff advice dated March 8, 2013 concerning the circumstances under which it is required to report lobbying expenditures. Your submission contained six hypothetical situations and asked for a determination as to whether a lobbyist would be required by statute to report his or her expenditures in each scenario.

Before responding to the specific hypothetical situations posed in your inquiry, an explanation of the analytical framework our office used to evaluate the scenarios is necessary. The hypothetical scenarios all include the fact situation of a lobbyist expending funds for meals and refreshment, either solely for the lobbyist, or for the lobbyist and additional individuals. In each scenario it is necessary to determine if the situation involves lobbying at the time the expenses are incurred.

Statutorily, "lobbying" has three components:

1. Influencing or attempting to influence legislative action through oral or written communication with legislative officials;
2. Solicitation of executive officials or other persons to influence or attempt to influence legislative action; or
3. Attempting to obtain the goodwill of legislative officials. ORS 171.725(8)

None of your hypothetical scenarios involve lobbying legislative officials directly through oral or written communication (component 1). Nor do your questions involve attempting to obtain the goodwill of legislative officials (component 3). Rather, all six of the scenarios involve aspects of the possible solicitation of "other persons" to influence or attempt to influence legislative action (component 2).

Lobbying may involve direct contact with legislative officials (component 1, above), but it also may take place indirectly, when an individual "solicits" people other than legislative and/or executive officials to influence or attempt to influence legislative action. As defined in the American Heritage College Dictionary (3<sup>rd</sup> edition), "solicit" means "to seek to obtain by persuasion, entreaty or formal application." Therefore, if an individual



approaches "other persons" with a request or plea to join him or her in influencing or attempting to influence legislative action, that individual is lobbying. If one is engaged in lobbying, the food, drink and entertainment expenses incurred while doing so are reportable under ORS 171.745(1)(a).

ORS 171.725(8) expands the definition of lobbying beyond legislative and executive officials, to include the solicitation of "other persons". We recognize that this is a very general term, potentially subject to a wide range of differing interpretations. Nevertheless, we are required to give effect to each of the words chosen by the Legislative Assembly. Stated differently, we are not permitted to ignore the legislature's decision to include solicitation of persons other than legislative or executive officials within the definition of "lobbying". In discussing what constitutes "other persons", the Attorney General's Opinion on state employee lobbying explains that state employees would be soliciting others, and therefore lobbying, when meeting with stakeholders outside their agency and asking them to help support or defeat legislation.<sup>1</sup> Following this reasoning, when a lobbyist goes outside his or her firm and solicits others (including another lobbyist) to aid in an effort to influence legislative action, he or she is lobbying. However, when a lobbyist discusses legislation or strategizes with members of their own firm or with a client, he or she is not lobbying because there is no solicitation of others. We approach the problem with a common sense perspective. Our focus is not on the physical location of the lobbyist and the "other" party, but on what the lobbyist is doing when she communicates with the "other" party.

With this analytical framework in mind, the hypothetical situations are answered specifically as follows:

**QUESTION:**

Hypothetical #1: Lobby/Lobby

Jill and Jack both are registered lobbyists. Jack and Jill go to lunch to discuss legislative measures of mutual interest. No legislators or legislative staff members are present. Jack and Jill each pay for their own lunch. Are Jack and Jill each required to report the amount each expended for food?

**ANSWER:**

No, unless either lobbyist solicits the other to influence or attempt to influence legislative action. In that case, the soliciting lobbyist must report his or her expenses.

---

<sup>1</sup> Lobbying occurs when state employees "request or urge members of the stakeholder group to communicate with legislative staff or interim committees about the group's work for the purpose of having the proposed measure sponsored, supported or passed (or contrary legislation defeated)... even if none of the stakeholders so solicited carried through with any attempt to influence legislative action". Attorney General's Opinion #8259, 8/7/1998, p. 12, Section E, paragraph 3.

**QUESTION:**

Hypothetical #2: Lobby/Client

Ted is a lobbyist for client, Myrna. Ted and Myrna meet for breakfast to review the bills being tracked for the client. They generally discuss legislative activities. The discussion between Ted and Myrna evolves into strategies about opposing and supporting certain legislative bills. Ted picks up the tab for breakfast. Is Ted required to report the amount he expended for food with his client?

**ANSWER:**

No, because the discussion between a lobbyist and his or her client does not involve "other persons".

**QUESTION:**

Hypothetical #3: Group of Lobbyists

Larry, Moe and Ralph sit down together for lunch at Capitol coffee shop. Each buys their own lunch. Quite naturally, the conversation involves legislative activities. The conversation among Larry, Moe and Ralph evolves into developing a plan to try to defeat a particular bill. As a result, are Larry, Moe and Ralph required to report the expense of their lunch?

**ANSWER:**

No, unless one or more of the lobbyists solicited one of the other lobbyists to influence or attempt to influence legislative action, in which case he would be responsible for reporting his expenses. This situation presents the closest case of all your hypotheticals, because you posit that the conversation "evolves into developing a plan to try to defeat a particular bill." To the extent that any of the lobbyists present is "soliciting" the other "to influence or attempt to influence legislative action" on the bill, lobbying is occurring and expenses must be reported.

**QUESTION:**

Hypothetical #4: State Agency Staff

Andy is a state agency administrator and is a registered lobbyist. Andy arranges a lunch meeting at a local pizza place with his co-workers to develop strategies to help pass a particular piece of legislation. Each attendee, including Andy, pays for his/her lunch-size pizza. Is Andy required to report his expense for lunch with co-workers?

**ANSWER:**

No, because Andy is not soliciting others.<sup>2</sup>

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<sup>2</sup> Because these activities do not involve contact with persons outside of the agency, such activities are not communication "with" legislative officials, nor "solicitation of others," nor attempts to obtain the "good will" of legislative officials. Therefore, activities to develop legislative measures that are internal to the agency are not "lobbying". Attorney General's Opinion #8259, 8/7/1998, p. 12, Section E, paragraph 2.

3/14/2013

Page 4

**QUESTION:**

Hypothetical #5: Same Firm

Harry and Sally work for the same lobbying firm. They meet for breakfast to compare notes on bills for the multiple clients that the firm represents. Harry and Sally spend some time discussing how to kill/promote a particular piece of legislation. Sally, who wants to suck up to her boss, picks up the tab for breakfast. Is Sally required to report this expense?

**ANSWER:**

No. The discussion does not involve "other persons" because Harry and Sally work for the same lobbying firm.

**QUESTION:**

Hypothetical #6: Family

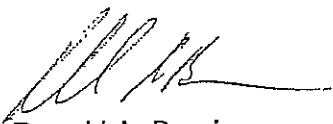
This actually is not a hypothetical. Within the lobby community, there are several family partnerships: spouse and spouse; father and son(s); father and daughter; and brother and brother. When members of these family partnerships go out for meals/drinks - with no legislative and executive official present - and the purpose of the meal/drink is to craft lobbying strategies, are these expenses that are required to be reported?

**ANSWER:**

No. The discussion does not involve "other persons" because the family members are partners in the same firm.

The statutes relevant to issues addressed in this letter are provided as an addendum. This advice is not issued as a formal staff opinion because only the Oregon Government Ethics Commission itself has authority to issue formal advisory opinions on lobby regulations. Please contact our office again if you wish to have this advice letter submitted to the Commission for adoption as a formal advisory opinion pursuant to ORS 171.776.

Sincerely,



Ronald A. Bersin  
Executive Director

RAB/dg

ADDENDUM

RELEVANT STATUTES: The following Oregon Revised Statutes (ORS) are applicable to the issues that are addressed in this letter of advice:

171.725 (4) "Executive official" means any member or member-elect of an executive agency and any member of the staff or an employee of an executive agency. A member of a state board or commission, other than a member who is employed in full-time public service, is not an executive official for purposes of ORS 171.725 to 171.785.

171.725 (6) "Legislative action" means introduction, sponsorship, testimony, debate, voting or any other official action on any measure, resolution, amendment, nomination, appointment, or report, or any matter that may be the subject of action by either house of the Legislative Assembly, or any committee of the Legislative Assembly, or the approval or veto thereof by the Governor.

171.725 (7) "Legislative official" means any member or member-elect of the Legislative Assembly, any member of an agency, board or committee that is part of the legislative branch, and any staff person, assistant or employee thereof.

171.715 (8) "Lobbying" means influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of executive officials or other persons to influence or attempt to influence legislative action or attempting to obtain the goodwill of legislative officials.

**171.730 Legislative finding.** The Legislative Assembly finds that, to preserve and maintain the integrity of the legislative process, persons who engage in efforts to influence legislative action, either by direct communication with legislative officials or by solicitation of executive officials or other persons to engage in those efforts, should regularly report their efforts to the public.

**171.745 Lobbyist statements of expenditures.** (1) A lobbyist registered with the Oregon Government Ethics Commission or required to register with the commission shall, according to the schedule described in ORS 171.752, file with the commission a statement showing for the applicable reporting period:

(a) The total amount of all moneys expended for food, refreshments and entertainment by the lobbyist for the purpose of lobbying.

Date: March 8, 2013  
To: Ron Bersin, Director  
Oregon Government Ethics Commission (OGEC)  
From: Marla Rae *MR*  
Oregon Capitol Club  
Copy: Paul Cosgrove  
Capitol Club President  
Re: Staff Opinion Request

---

We have appreciated the accessibility of the OGEC and your staff to help with training and being accessible to answer questions. Thank you.

On behalf of the Oregon Capitol Club, we request a Staff Opinion on the hypothetical examples outlined below.

Before posing these examples, we hope that you and all OGEC staff know that the Capitol Club works mightily to promote professionalism among legislative advocates and that we have standards of conduct that are imposed on our members, including abiding by all government ethics laws and rules.

We all rely on the definition of "lobbying" as set out in ORS171.725 (8):

"Lobbying" means influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of executive officials or other persons to influence or attempt to influence legislative action or attempting to obtain the goodwill of legislative officials.

We also understand that the OGEC staff relies on Attorney General Opinion No. 8259 (1998) in interpreting the definition of "lobbying."

In OGEC training sessions and in communications with individuals, we have received conflicting information concerning reportable expenditures. Moreover, the information we are now receiving is inconsistent with many years of interpretations of ORS 171.725(8) regarding lobbyist expenditure reporting.

Here are six hypothetical situations. In each situation, the lobbyist is registered with OGEC and files quarterly expenditure reports.

#### Hypothetical #1: Lobby/Lobby

Jill and Jack both are registered lobbyists. Jack and Jill go to lunch to discuss legislative measures of mutual interest. No legislators or legislative staff members are present. Jack and Jill each pay for their own lunch. Are Jack and Jill each required to report the amount each expended for food?

#### Hypothetical #2: Lobby/Client

Ted is a lobbyist for client, Myrna. Ted and Myrna meet for breakfast to review the bills being tracked for the client. They generally discuss legislative activities. The discussion between Ted and Myrna evolves into strategies about opposing and supporting certain legislative bills. Ted picks up the tab for breakfast. Is Ted required to report the amount he expended for food with his client?

#### Hypothetical #3: Group of Lobbyists

Larry, Moe and Ralph sit down together for lunch at Capitol coffee shop. Each buys their own lunch. Quite naturally, the conversation involves legislative activities. The conversation among Larry, Moe and Ralph evolves into developing a plan to try to defeat a particular bill. As a result, are Larry, Moe and Ralph required to report the expense of their lunch?

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Andy is a state agency administrator and is a registered lobbyist. Andy arranges a lunch meeting at a local pizza place with his co-workers to develop strategies to help pass a particular piece of legislation. Each attendee, including Andy, pays for his/her lunch-size pizza. Is Andy required to report his expense for lunch with co-workers?

#### Hypothetical #5: Same Firm

Harry and Sally work for the same lobbying firm. They meet for breakfast to compare notes on bills for the multiple clients that the firm represents. Harry and Sally spend some time discussing how to kill/promote a particular piece of legislation. Sally, who wants to suck up to her boss, picks up the tab for breakfast. Is Sally required to report this expense?

#### Hypothetical #6: Family

This actually is not a hypothetical. Within the lobby community, there are several family partnerships: spouse and spouse; father and son(s); father and daughter; and brother and brother.

When members of these family partnerships go out for meals/drinks – with no legislative and executive official present – and the purpose of the meal/drink is to craft lobbying strategies, are these expenses that are required to be reported?

We all seek to comply fully with the OGE reporting requirements and want to be certain about the extent of those requirements. If you need any clarification or additional information, please contact me or Paul Cosgrove.

Thank you for your prompt attention to our request.



**SUBJECT:** Weapons in the Workplace

**NUMBER:** 50-010-05

**DIVISION:** Chief Human Resources Office

**EFFECTIVE DATE:** 4-28-17

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**APPROVED:** Signature on file with the Chief Human Resources Office

**POLICY STATEMENT:** The Oregon state government is committed to providing a safe and secure environment for employees and visitors. This policy outlines prohibited conduct and procedures for reporting a violation of this policy.

**AUTHORITY:** ORS 240.145(3); 240.250; 276.004, OAR 125-155-0500(5)(e)

**APPLICABILITY:** All employees, including limited duration and temporary employees, board and commission members, volunteers, and others working in an agency, unless this policy conflicts with an agency's collective bargaining agreement.

For non-employees/visitors, refer to the attached Weapons in the Workplace Guide.

**ATTACHMENTS:** Risk Management Active Shooter Preparedness Worksheet  
State Owned Parking Meter Map  
Guide for Weapons in the Workplace

**DEFINITIONS:** Firearm: A weapon, by whatever name known, which is designed to expel a projectile by the action of powder. See ORS 166.210(3).

Handgun: Any pistol or revolver using a fixed cartridge containing a propellant charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder. See ORS 166.210(5).

Weapon: Includes weapons of any kind as defined in ORS 166.360, including any destructive device as defined in ORS 166.382. These items include, but are not limited to, firearm, dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or knife (except for an ordinary pocket knife with a blade less than four inches in length), mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211, electrical stun gun or similar instrument, club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any similar instrument. This further includes any weapon, device, instrument, material or substance which under the circumstances in which it is used, intended or attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury or specifically designed for and presently capable of causing death or serious physical injury.

Workplace: All property and facilities owned, leased, rented or otherwise occupied by the Oregon state government including grounds, buildings, parking structures and lots, vehicles and other equipment and any site where an employee enters on behalf of the

employee's employment with Oregon state government except for an employee's home (including employees who live in state housing) or as authorized by specific law, collective bargaining agreement, policy, rule, or statute.

See also State HR Policy 10.000.01 Definitions

## POLICY

- (1) This policy prohibits weapons in the workplace unless an employee is permitted to carry, handle, operate or transport a weapon as part of the employee's assigned duties in the course and scope of the employee's employment. **A permit to carry a concealed handgun does not give an employee the authority to use or carry a handgun into the workplace.**
- (2) The agency director administers this policy as the agency's Weapons in the Workplace policy.
  - a. An agency with employees permitted to carry, handle, operate or transport a weapon as part of the employee's assigned duties may write an agency-specific policy to supplement this statewide policy.
  - b. An agency with employees permitted to carry, handle, operate or transport a weapon as part of the employee's assigned duties shall provide adequate and reasonable training to the employee on authorized use and how to properly carry, handle, operate or transport weapons used in the course and scope of the employee's assigned duties.
    - i. Agencies have the authority to determine what trainings are adequate and reasonable.
    - ii. These trainings shall become part of the employee's training record.
- (3) Agencies shall take the following measures to promote a weapons-free environment:
  - a. Offer training and opportunities to ask clarifying questions on this policy and any agency-specific policy related to weapons in the workplace. A component of the training shall include the proper procedures for reporting an alleged violation of this policy or any supplemental agency-specific policy;
  - b. Create a guide and procedures or modify the sample guide and procedures attached to this policy for employees who may be faced with an emergency or hostile situation;
  - c. Provide employees a copy or electronic access to State HR Policy 50-010-05 Weapons in the Workplace; and
  - d. Document employees' acknowledgment that they read the policy;
    - i. The agency decides the form of the acknowledgment, such as electronic, signed or other document acknowledgment.
    - ii. The agency shall maintain the acknowledgment in a consistent manner.
- (4) The following items are excepted from this policy:
  - a. Serving utensils when used for eating, serving, etc.;
  - b. Self-defense sprays carried for personal protection. Such items shall be stored out of sight and in the employee's personal belongings, i.e., purse, briefcase, etc. The spray must be contained in a commercially manufactured capped aerosol device containing no more than 4 ounces of spray with less than 10% concentration of capsicum.

- c. Sporting equipment stored in vehicles for personal use, i.e., baseball bats, martial arts equipment, golf clubs, etc. Firearms, biological or chemical weapons or any explosive devices are not considered sporting equipment for the purposes of this policy.
- d. Employees who possess a valid concealed handgun license (CHL) issued pursuant to ORS 166.291 and 166.292 may secure personal firearms in a closed and locked container designed for the storage of firearms inside their personal vehicle.
- e. Agencies have the authority to determine what constitutes an excepted weapon utilizing the exceptions listed above.

## Guide for Weapons in the Workplace

Weapons in the workplace is governed by federal law, state statute, Department of Administrative Services policies, and Collective Bargaining Agreements (CBA). DAS created this guide to assist agencies in ensuring a safe environment. However, AGENCIES SHOULD NOT RELY ONLY ON THIS GUIDE. Instead, agencies should look at this as a model and refer to State HR Policy 50-010-05 Weapons in the Workplace, other relevant policies, and if appropriate, applicable collective bargaining agreement for specific information or information that may differ from state HR policy or this guide and procedures. Contact the Chief Human Resources Office or the Department of Justice Labor & Employment Section if you have questions.

Who	What	Where	When	How
Employee, volunteer or anyone else working in the defined workplace	No weapons at any time unless specifically excluded in State HR Policy 50-010-05, agency policy or CBA. A license to carry a concealed handgun does not authorize an employee to bring a handgun or any other weapon into the workplace	Workplace as defined in State HR Policy 50-010-05	The policy is in effect 24/7	Report alleged violations of this policy to a supervisor, HR, 9-1-1 or local law enforcement
Non-state employee visitor (unless visitor carries a weapon as part of their employment, e.g., local law enforcement)	ORS 166.370(1) prohibits weapons (loaded and unloaded) in a public building. <sup>1</sup> However, if visitor presents a license to carry a concealed handgun, visitor is allowed to bring handgun into the premises.	Workplace as defined in State HR Policy 50-010-05	The policy is in effect 24/7	Report alleged violations of this policy to a supervisor, HR, 9-1-1 or local law enforcement

<sup>1</sup> NOTE: "Public building" includes that portion of any other building occupied by an agency of the state...other than a court facility." (See ORS 166.360)

# Active Shooter Preparedness

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area. In most cases, active shooters use firearms and there is no pattern or method to their selection of victims. Active shooter situations are unpredictable and evolve quickly.

Because active shooter situations are often over within 10 to 15 minutes and before law enforcement arrives on the scene, individuals must be prepared both mentally and physically to deal with an active shooter situation.— U.S. Department of Homeland Security

## Risks to Agencies

- Personal injury or loss of life to the public and/or employees
- Work force shift and loss in productivity
- Repair or replacement costs of state property
- Third-party property damage
- Higher agency risk charges due to increased claims



Image from RUN.HIDE.FIGHT readyhouston.tx.gov

## Insurance Coverage

The state's tort liability insurance coverage and workers compensation insurance coverage includes all authorized employees and volunteers while performing official duties at the state's direction and control. Coverage applies when traveling on official state business. Coverage is valid in the U.S, its possessions, territories and Canada.

For more information see the following Oregon Department of Administrative Services (DAS) Risk Management Self-Insurance policies.

*DAS Policy 125-7-101, Property Self-Insurance Policy Manual.*

*DAS Policy 125-7-201, Liability Self-Insurance Policy Manual.*

*DAS Policy 125-7-202, Employee Liability Self-Insurance Policy Manual.*

## Active Shooter Events - How to Respond

Quickly determine the most reasonable way to protect your own life. Customers and clients are likely to follow the lead of employees and managers during an active shooter situation.

1. Run	2. Hide	3. Fight
Have an escape route and plan in mind	Hide in an area out of the active shooter's view	Fight as a last resort and only when your life is in imminent danger
Leave your belongings behind	Block entry to your hiding place and lock the doors	Attempt to incapacitate the active shooter
Keep your hands visible	Silence your cell phone (including vibrate mode) and remain quiet	Act with physical aggression and throw items at the active shooter

**CALL 911 WHEN IT IS SAFE TO DO SO**

RiskWise



A Guide to Controlling Risk

Active Shooter Preparedness

Risks to Agencies

Insurance Coverage

Active Shooter Events - How to Respond

Online and Self-Education Options

If You See Something, Say Something™

How to Respond when Law Enforcement Arrives on Scene

Resources, Links and Information

Published February 2016

# Online and Self-Education Options

## Videos

- ReadyHoustonTX.gov RUN. HIDE. FIGHT.® Surviving an active shooter event
- U.S. Department of Homeland Security Options for Consideration Active Shooter Preparedness
- U.S. Department of Homeland Security Active Shooter Webinar on developing an emergency response plan

## Materials

- U.S. Department of Homeland Security Active Shooter Booklet, Pamphlet, Poster, Pocket Card, and Planning and Response to an Active Shooter: An Interagency Security Committee Policy and Best Practices Guide
- Federal Emergency Management Agency (FEMA) - Emergency Management Institute Active Shooter: What You Can Do Interactive Web Based Course

## If You See Something, Say Something™

The U.S. Department of Homeland Security started the If You See Something, Say Something™ Campaign. This campaign seeks to empower the individual, officials, and public servants to protect their neighbors and the communities they live and work in by recognizing and reporting suspicious activity.

Contact local law enforcement to report suspicious activity. Describe specifically what was observed including who was acting suspiciously or what was suspicious, where the suspicious activity occurred, when the suspicious activity took place and why the activity was suspicious.

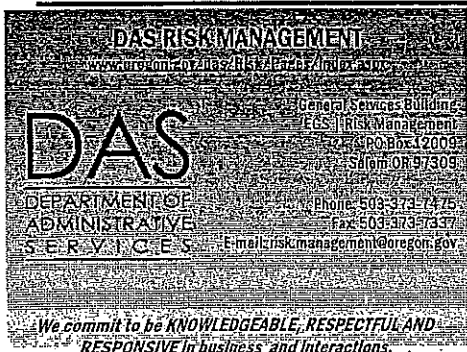
For online self-education options please view the Protect Your Every Day Public Service Announcement, Hospitality Public Service Announcement and The Drop-Off Public Service Announcement.

## How to Respond when Law Enforcement Arrives on Scene

The first officers to arrive on scene will not stop and help the injured; their purpose is to stop the active shooter as soon as possible. Expect rescue teams to follow initial officers.

How to react when law enforcement arrives:	Information to provide to law enforcement of 911 operator:
Remain calm, and follow officers' instructions	Location of the active shooter
Put down any items in your hands (e.g., bags, jackets)	Number of shooters
Immediately raise hands, keep hands visible and spread fingers	Physical description of the shooter
Avoid making quick movements toward officers	Number and type of weapons shooter has
Avoid pointing, screaming and/or yelling	Number of potential victims at location

## Resources, Links and Information



- U.S. Department of Homeland Security: Active Shooter Preparedness
- Ready Houston, TX: Regional Disaster Preparedness
- Federal Emergency Management Agency (FEMA) - Emergency Management Institute: Active Shooter: What You Can Do Interactive Web Based Course
- U.S. Department of Homeland Security: If You See Something, Say Something™
- Federal Bureau of Investigation: Active Shooter Incidents Study
- Capitol Mall Patrol Office: Active Shooter Training/Tips 503-986-1122

[<http://www.oregon.gov/das/Risk/Documents/RWActvShtr.pdf>]

## Trainers' Report March 30<sup>th</sup>, 2018

This report covers the time period of February 19<sup>th</sup>, 2018, through March 30<sup>th</sup>, 2018.

### Completion of training:

- City of Newport, Multiple sessions – ORS 244 (Newport)
- Lane Transit District – ORS 244 (Eugene)
- Salem & Portland Institute of Internal Auditors – ORS 244 (Wilsonville)
- Jurisdictional Contact EFS/SEI Webinars, Multiple Sessions – ORS 244 (Online)
- SEI Filer Webinars, Multiple Sessions – ORS 244 (Online)
- City of Sisters Camp Sherman Fire District Hosted Training – ORS 244 (Sisters)
- Oregon Department of Transportation Commission Continuous Improvement Advisory Committee – ORS 244 (Salem)
- Oregon Health Authority, Multiple sessions – ORS 244 (Salem)
- Designated Procurement Officers Council – ORS 244 (Salem)

### Upcoming Trainings:

<u>Date</u>	<u>Time</u>	<u>Public Body (Topic)</u>	<u>Address</u>
4/12/2018	10:30 – 11:30AM	Higher Education Coordinating Commission (HECC) (ORS 244)	Western Oregon University Conference Room TBD Monmouth, OR 97361
4/20/2018	10:00 – 11:35 AM	Oregon Fire Service Office Administrators (OFSOA) (ORS 244)	744 SW Elizabeth ST, Salon Banquet Rm, 2nd Newport, OR 97365
4/24/2018	3:00 – 4:00 PM	Oregon Health Authority- New Employee Orientation	DHS Training Center 3414 Cherry Ave NE, Mt. Mazama Salem, OR 97303

4/25/2018	9:00 – 11:00 AM 2:00 – 4:00 PM	Jackson County (ORS 244)	Jackson County Roads Auditorium 7520 Table Rock Rd White City, OR 97502
4/26/2018	TBD	Institute of Internal Auditors (ORS 244)	Pringle Creek Community Painters Hall 3911 Village Center Dr. SE Salem, OR 97302

### Upcoming Conferences

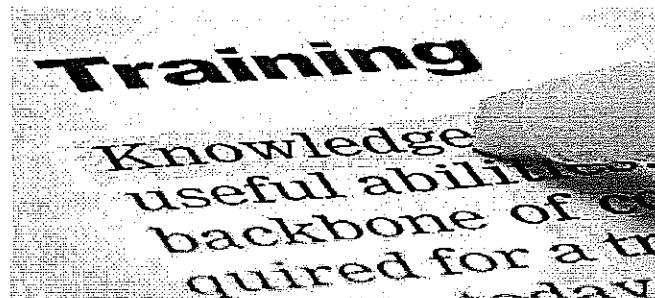
7/25/2018	3:45 – 5:00 PM	Oregon Association of School Business Officials (OASBO) (ORS 244)	Riverhouse Hotel and Convention Center 2850 NW Rippling River Ct Conference Room <b>TBD</b> Bend, OR 97703
9/20/2018	1:00 – 2:45 PM	Oregon Association of Municipal Recorders (OAMR) (ORS 244 & EFS)	Holiday Inn @ PDX 8439 NE Columbia Blvd. Portland, OR 97220

Training Staff:

Tammy Hedrick  
Hayley Weedn

503-378-6802  
503-378-8066

[tammy.r.hedrick@oregon.gov](mailto:tammy.r.hedrick@oregon.gov)  
[hayley.weedn@oregon.gov](mailto:hayley.weedn@oregon.gov)





# April 2018

## Oregon Government Ethics Commission AdobeConnect Webinar Training Calendar

Monday	Tuesday	Wednesday	Thursday	Friday
2	3 New Employees: you're a public official, now what! 10:00 – 11:00 AM	4	5	6
9	10 Lobby law 10:00 – 11:00 AM	11	12	13 Use of Position/Office 10:00 – 11:00 AM
16	17 Gifts 2:00 – 3:00 PM	18	19	20 Conflicts of Interest 10:00 – 11:00 AM
23	24	25	26 Executive Session 2:30 – 3:30 PM	27
30				

Email [ogec.training@oregon.gov](mailto:ogec.training@oregon.gov) to register for a webinar.



## Executive Director's Report

March 30, 2018

- Budget
  - 2017-19 biennial budget
    - Biennial financial plan incorporated in monthly BRIO reports.
    - Currently projected with a \$147,853.80 surplus.
    - Expenditures through December, \$113,080.55 spent per month, \$112,537.66 average to spend per month.
    - The overspending is tied to paying all annual assessments at the beginning of the year. The two are nearly balanced through February with 4 months to next fiscal year.
    - Will use a portion of the surplus to replace aged computers in office and purchase an additional laptop to be used in trainings and teleworking.
  
- Legislative Concepts
  - Concepts due by April 10<sup>th</sup>.
  - Including the two bills that did not pass last legislative session. Lobby update and attorney fees.
  
- SEI
  - Filing period is open.
  - Must file before April 15, 2018.
  - No major issues with system, many people needed password resets.
  - As of March 21<sup>st</sup>, 1805 SEI filers had filed successfully.
  
- Other
  - Strategic Plan submitted for review.
  - Website redesign project continues. User Acceptance Testing (UAT) in process.
  - 2019-21 Budget kickoff meeting was on March 20<sup>th</sup>. Looks to be another biennium with fiscal challenges.
  - Continue SEI project; contacting SEI non-filers from prior years.
  - Received Gold Star Award again this year for our fiscal reporting (letter attached).
  - Case Management System nominated for 2018 StateScoop 50 Award for Innovation of the Year. Voting is now open. DAS attached banner to front page of State's website [www.Oregon.Gov](http://www.Oregon.Gov) showing nomination and voting link.



# 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 13, 2018

RECEIVED

MAR 12 2018

OREGON GOVERNMENT  
ETHICS COMMISSION

To: Ronald Bersin, Executive Director  
Oregon Government Ethics Commission  
3218 Pringle Rd SE, Suite 220  
Salem, OR 97302

Re: **FY 2017 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 2017.

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



ORE GOVERNMENT ETHICS COMMISSION  
AY11 JH FLOW

		Appn 70000 - GF - PCA 00501		
Actuals To Date	Actuals + Projected	2017-2019 LAB	Variance	
<b>Beginning Cash Balance</b>				
REVENUE				
0415 ADMINISTRATIVE AND SERVICES CHARGES	15,845.75	15,845.75	30,000.00	14,154.25
0505 FINES AND FORFEITS	-	-	-	0.00
0975 OTHER REVENUE	15,845.75	15,845.75	30,000.00	14,154.25
<b>Total Revenue</b>				
TRANSFERS				
2010 TRANSFER OUT TO OTHER FUNDS	-	-	-	0.00
1107 TRANSFER IN FROM DEPT OF ADMIN SVCS	-	-	-	0.00
<b>Total Transfers</b>				
<b>PERSONAL SERVICES</b>				
3110 CLASS/UNCLASS SALARY & PER DIEM	366,774.64	1,138,493.69	1,119,202.00	(19,291.69)
3160 TEMPORARY APPOINTMENTS	-	-	465.00	465.00
3170 OVERTIME PAYMENTS	30.02	120.08	-	(120.08)
3210 ERB ASSESSMENT	135.20	499.12	456.00	46.88
3220 PUBLIC EMPLOYEES' RETIREMENT SYSTEM	75,269.04	218,966.57	206,804.00	(12,162.57)
3221 PENSION BOND CONTRIBUTION	22,248.17	69,611.10	61,420.00	(8,191.10)
3230 SOCIAL SECURITY TAX	28,021.17	86,754.84	82,741.00	(4,013.84)
3250 WORKERS' COMPENSATION ASSESSMENT	140.65	552.49	621.00	68.51
3260 MASS TRANSIT	2,200.78	6,722.06	6,490.00	(232.06)
3270 FLEXIBLE BENEFITS	69,562.84	211,480.12	311,148.00	99,667.88
<b>Total Personal Services</b>	<b>564,482.51</b>	<b>1,733,110.07</b>	<b>1,789,348.00</b>	<b>56,237.93</b>
<b>SERVICES AND SUPPLIES</b>				
4100 INSTATE TRAVEL	5,517.96	18,187.32	19,004.00	816.68
4125 OUT-OF-STATE TRAVEL	-	-	-	0.00
4150 EMPLOYEE TRAINING	2,513.00	4,873.00	7,080.00	2,207.00
4175 OFFICE EXPENSES	4,126.11	18,497.43	21,557.00	3,059.57
4200 TELECOMM/TECH SVC AND SUPPLIES	4,807.59	17,134.23	18,723.00	1,588.77
4225 STATE GOVERNMENT SERVICE CHARGES	25,131.53	50,831.53	52,557.00	1,725.47
4250 DATA PROCESSING	16,134.71	33,604.71	98,254.00	64,649.29
4275 PUBLICITY & PUBLICATIONS	50.99	1,020.00	1,023.00	3.00
4300 PROFESSIONAL SERVICES	112.32	6,425.00	9,469.00	3,044.00
4315 IT PROFESSIONAL SERVICES	104,868.00	289,818.00	310,552.00	20,734.00
4325 ATTORNEY GENERAL LEGAL FEES	68,728.50	183,276.00	161,995.00	(21,281.00)
4375 EMPLOYEE RECRUITMENT & DEVELOPMENT	-	2,484.00	2,484.00	0.00
4400 DUES AND SUBSCRIPTIONS	-	450.00	450.00	0.00
4425 FACILITIES RENT & TAXES	25,046.30	76,449.02	94,494.00	18,044.98
4575 AGENCY PROGRAM RELATED SVCS & SUPP	825.35	825.35	-	(825.35)
4650 OTHER SERVICES AND SUPPLIES	78,421.47	162,370.47	164,091.00	1,720.53
4700 EXPENDABLE PROPERTY \$250-\$5000	-	7,600.00	7,600.00	0.00
4715 IT EXPENDABLE PROPERTY	3,878.07	3,878.07	-	(3,878.07)
<b>Total Services and Supplies</b>	<b>340,161.90</b>	<b>877,724.13</b>	<b>969,340.00</b>	<b>91,615.87</b>
5900 OTHER CAPITAL OUTLAY	-	-	-	0.00
<b>TOTAL EXPENDITURES</b>	<b>904,644.41</b>	<b>2,610,834.20</b>	<b>2,758,688.00</b>	<b>147,853.80</b>
<b>Ending Cash Balance</b>	<b>1,158,216.32</b>	<b>714,503.53</b>		

		Appn 30000 - A - PCA 41501		
Actuals To Date	Actuals + Projected	2017-2019 LAB	Variance	
798,167.30	798,167.30			
1,264,641.18	2,527,118.18	2,524,954.00	(2,164.18)	0.00
52.25	52.25	2,000.00	1,947.75	0.00
<b>Total Revenue</b>	<b>1,264,693.43</b>	<b>2,526,954.00</b>	<b>(216.43)</b>	
366,774.64	1,138,493.69	1,119,202.00	(19,291.69)	465.00
30.02	120.08	-	(120.08)	46.88
135.20	499.12	456.00	46.88	(12,162.57)
75,269.04	218,966.57	206,804.00	(12,162.57)	(8,191.10)
22,248.17	69,611.10	61,420.00	(8,191.10)	(4,013.84)
28,021.17	86,754.84	82,741.00	(4,013.84)	68.51
140.65	552.49	621.00	68.51	(232.06)
2,200.78	6,722.06	6,490.00	(232.06)	99,667.88
69,562.84	211,480.12	311,148.00	99,667.88	56,237.93
<b>Total Personal Services</b>	<b>1,733,110.07</b>	<b>1,789,348.00</b>	<b>56,237.93</b>	
5,517.96	18,187.32	19,004.00	816.68	0.00
2,513.00	4,873.00	7,080.00	2,207.00	3,059.57
4,126.11	18,497.43	21,557.00	3,059.57	1,588.77
4,807.59	17,134.23	18,723.00	1,588.77	1,725.47
25,131.53	50,831.53	52,557.00	1,725.47	64,649.29
16,134.71	33,604.71	98,254.00	64,649.29	3.00
50.99	1,020.00	1,023.00	3.00	3,044.00
112.32	6,425.00	9,469.00	3,044.00	20,734.00
104,868.00	289,818.00	310,552.00	20,734.00	(21,281.00)
68,728.50	183,276.00	161,995.00	(21,281.00)	0.00
-	2,484.00	2,484.00	0.00	0.00
-	450.00	450.00	0.00	18,044.98
25,046.30	76,449.02	94,494.00	18,044.98	(825.35)
825.35	825.35	-	(825.35)	1,720.53
78,421.47	162,370.47	164,091.00	1,720.53	0.00
-	7,600.00	7,600.00	0.00	0.00
3,878.07	3,878.07	-	(3,878.07)	91,615.87
<b>Total Services and Supplies</b>	<b>340,161.90</b>	<b>877,724.13</b>	<b>91,615.87</b>	
904,644.41	2,610,834.20	2,758,688.00	147,853.80	
1,158,216.32	714,503.53			

