

OREGON GOVERNMENT ETHICS COMMISSION

MEETING MINUTES

March 30, 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, David Fiskum, and Kamala Shugar. Staff present were OGEC Counsel Amy Alpaugh, Executive Director Ron Bersin, Program Manager Virginia Lutz, Investigator Diane Gould, Investigator Michael Thornicroft and Administrative Specialist Kathy Daniel.

(:30)

AGENDA ITEM 1, Comments from the Chair. Kean noted that there will be a public meeting/Commission retreat after the May 11, 2018 Commission meeting.

(1:30)

AGENDA ITEM 2, Approval of the minutes of the February 16, 2018 Commission meeting. Starr called for approval of the minutes of the February 16, 2018 Commission meeting. Vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

CONSENT CALENDAR

(2:00)

Burke moved for the approval of the Consent Calendar items and the staff recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Brittany Duffy-Goche, Q4 2017, Letter of Education

AGENDA ITEM 4, John Strother, Q4 2017, Letter of Education

AGENDA ITEM 5, Chelsea Brossard, Q3 2017, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 6, M. Maletis Company, Q4 2017, Letter of Education

THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO RECORDINGS AT <http://www.oregon.gov/OGEC/Pages/comissionmeet.aspx>.

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

End of Consent Calendar

STIPULATED FINAL ORDERS

(2:10)

AGENDA ITEM 9, 14-190EDT, John A. Kitzhaber, Former Governor of Oregon. Bersin summarized the violations and the penalty matrix. Kitzhaber and Counsel Janet Hoffman were present. Kitzhaber addressed the Commission. The Commission generally discussed the matter and asked questions of Kitzhaber. Burke moved that the Commission approve the proposed stipulated final order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, abstained; Kean, aye. Motion passed 7-0 with 1 abstention.

(25:31)

AGENDA ITEM 10, 15-114EDG, 15-283EDG, Theodore Ross, Former Fire Chief and Executive Administrative Officer of Lakeside Rural Fire Protection District. Gould summarized the cases. Ross did not address the Commission. The Commission generally discussed the matter. Bersin explained how they arrived at the penalty amount. Roll call vote to approve the proposed stipulated final order as the final order in this matter was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(30:00)

AGENDA ITEM 11, 17-107SMS, Bill Quier, Burns Planning Commission. Bersin summarized the case and his recommendation of Letter of Education. Quier did not address the Commission. The Commission generally discussed the matter. Fiskum moved that the Commission approve the proposed stipulated final order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(35:55)

AGENDA ITEM 12, 17-124SDG, Dean Walker, Talent Planning Commission. Gould summarized the case. Walker did not address the Commission. Fiskum moved that the Commission approve the proposed stipulated final order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

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(37:20)

AGENDA ITEM 13, 17-082MT, Ted Hughes, Lobbyist. Thornicroft summarized the case. Hughes did not address the Commission. Burke moved that the Commission approve the proposed stipulated final order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(39:15)

AGENDA ITEM 14, 17-109SMS, Bobby Walker, Cascade Locks Council. Thornicroft summarized the case. Walker did not address the Commission. Starr moved that the Commission approve the proposed stipulated final order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(40:17)

AGENDA ITEM 15, 15-145XDT, 15-151XDT, 15-16XDT, Fred Clauson, Chairman of the board of directors, Lakeside Fire District. Thornicroft summarized the case. Clauson did not address the Commission. The Commission briefly discussed the cases. Fiskum moved that the Commission approve the proposed stipulated final order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(43:29)

AGENDA ITEM 16, 16-149EMT, Anne Graham, City Councilor, City of Redmond. Thornicroft summarized the case. Graham did not address the Commission. Burke moved that the Commission approve the proposed stipulated final order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

Lobbyist/Client Penalty Correspondence

(46:32)

AGENDA ITEM 7, AHIP, Q4, 2017. Recommendation: \$320 for 3rd violation. Bersin summarized the matter and recommended 20% of the total penalty amount. The Commission briefly discussed the matter. Fiskum moved to accept recommendation of \$320 for the late filing of the 4th quarter 2017 expenditure report. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

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(48:47)

AGENDA ITEM 8, Request for reconsideration. Community Providers Association of Oregon. Lutz summarized the matter. The Commission briefly discussed. Fiskum moved to deny the request for reconsideration and leave the previous sanction of a Letter of Education in place. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

REPORTS OF INVESTIGATIONS

None.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Advice

(non-action, informational only items)

The Commission reviewed the following items without comment:

(52:40)

AGENDA ITEM 17, 18-0551, Tim Ramis, Milwaukie City Attorney re whether city can provide tuition vouchers to employees as official compensation under city's training and development policy; vouchers given to city by community college. Bersin summarized the advice.

(55:05)

AGENDA ITEM 18, 18-0591, Court Street Consulting re whether lobbyist gifting public official framed photo and pen from bill signing meets a gift exception as a token or award of appreciation. Bersin summarized the advice.

(56:06)

AGENDA ITEM 18-A, 18-0901, Leslie Cummings, Deputy Secretary of State, re application of ORS Chapter 244 provision to the addition of security services/driver to Secretary of State's official compensation package. Bersin summarized the advice and the Commission generally discussed the matter. Alpaugh clarified the jurisdiction of Oregon Government Ethics Commission as it relates to this advice.

Other Correspondence (non-action, informational only items)

None.

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(1:06:10)

The Commission recessed at 10:08 a.m. then convened into executive session at 10:15 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d).

EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

(All items removed from consent calendar for discussion.)

End of Executive Session Consent Calendar.

OTHER ITEMS

Reports of Preliminary Review (removed from consent calendar)

(1:06:51)

AGENDA ITEM 23, 18-004EMT, Laura O'Bryan, Director, Senior and Disability Service of the Rogue Valley Council of Governments, Ashland Senior Advisory Committee Member. Thornicroft summarized the case. O'Bryan did not address the Commission. Starr moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(1:15:25)

AGENDA ITEM 24, 18-006EDG, Katy Wilson, Aloha High School Teacher and Coach, Washington County School District 48J. Gould summarized the case. Wilson addressed the Commission by telephone. Golden moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(1:25:42)

AGENDA ITEM 25, 18-010EDG, Jenna Morrison, Captain, Clackamas County Sheriff's Office and Director of Clackamas County's Community Corrections Department. Gould summarized the case. Morrison did not address the Commission. Starr moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint

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

(1:28:00)

AGENDA ITEM 26, 18-011EDG, Janelle Brandt, Westview High School Teacher and Coach, Washington County School District 48J. Gould summarized the case. Brandt addressed the Commission by telephone. Golden moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(1:31:41)

AGENDA ITEM 27, 18-027EMT, Nancy Brewer, Finance Director, City of Corvallis. Thornicroft summarized the case. Brewer did not address the Commission. Fiskum moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(1:35:39)

AGENDA ITEM 28, 18-029EDG, Lad Salness, PE Teacher and Volleyball Coach, Sunset High School, Washington County School District 48J. Gould summarized the case. Salness addressed the Commission. Mason moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(1:47:35)

AGENDA ITEM 29, 18-056EDG, Curtis Blakeman, Former President
AGENDA ITEM 30, 18-057EDG, Znette Blakeman, Former Secretary/Treasurer
Board of Commissioners, Valley Acres Special Road District. Gould summarized the cases. Blakemans did not address the Commission. Burke moved that the Commission find that there is a substantial, objective basis for believing that Curtis Blakeman and Znette Blakeman may have violated ORS 244.040, ORS 244.047 and ORS 244.120(2) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

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(1:57:31)

AGENDA ITEM 31, 18-065EMT, Marc Hellman, Former staff member and Administrator, Public Utility Commission of Oregon. Thornicroft summarized the case. Hellman addressed the Commission. Burke moved that the Commission find that there is a substantial, objective basis for believing that Marc Hellman may have violated ORS 244.040 and ORS 244.120 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

Own Motion Preliminary Reviews

None.

Other Items

(non-action informational only items)

None.

The Commission reconvened into Regular Session at 11:28 p.m.

MISCELLANEOUS ITEMS

(2:20:20)

AGENDA ITEM 19, Capitol Club re lobby-to-lobby advice. Bersin summarized the advice. Tom Barrows, President of the Capitol Club, was present and addressed the Commission. Discussion re HB 2530 re definition of "others" referenced in the bill. Bill Cross, Lobbyist, was present and addressed the Commission. Alpaugh reviewed the statute applicable to this law. Weedn shared her research from the 1970s records. The Commission and guests generally discussed the issue.

(3:19:45)

The Commission recessed for a working lunch at 12:20 pm and reconvened into regular session at 12:35 pm.

(3:19:57)

AGENDA ITEM 21, Trainers' Report. Weedn summarized the training activities for February 19, 2018 through March 30, 2018.

(3:25:25)

AGENDA ITEM 22, Director's Report. Bersin discussed the following:

- 2017-2019 biennial budget status.
- Legislative Concepts due by April 10.
- Statement of Economic Interest: Electronic filing began March 15.

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- Strategic Plan has been submitted for review.
- Website redesign is undergoing User Acceptance Testing.
- 2019-21 budget kickoff meeting was held March 20.
- Project to bring all non-filers and non-payers current.
- The agency received the Gold Star Award for fiscal reporting.
- Complaint Management System has been nominated for the 2018 StateScoop 50 Award for Innovation of the Year.
- Recruitment underway to fill the vacant Compliance and Training Coordinator position.
- OGEC met with Mongolian delegation of World Affairs Council.
- Discussion on collecting non-paid assessments from Jurisdictions.

(3:41:20)

AGENDA ITEM 20, Weapons in the workplace policy review. A DAS/Risk Management video was viewed.

(3:56:45)

Kean announced plans for a lunch and work session retreat for the Commission after the May 11th Commission meeting.

Chair Kean adjourned the meeting at 1:15 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, May 11, 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

Website: www.oregon.gov/ogec

April 5, 2018

Rayleen McMillan
1106 Williamson St.
Madison WI 53703

Dear Ms. McMillan:

The written explanation of why your 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, May 11, 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 \$2,900 penalty will be extended to coincide with the May 11th 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: 605
User Name: RayleenMcMillan
Email: rayleen@pdx.edu

Q4 2017 Filing: 3/26/2018
Q4 2017 Expended: \$0.00
Q4 2017 Penalty: \$2,900.00

Rayleen McMillan
1600 SW Fourth Avenue
Portland, OR 97201-_____

Activity Log - Q4 2017 to Date

10/01/17 09:27:19.367 - User Successfully Authenticated -
10/01/17 09:27:54.087 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2017
01/16/18 02:58:09.337 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/17/18 03:00:31.653 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/18/18 01:30:08.197 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/19/18 01:30:07.357 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/20/18 01:30:07.793 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/21/18 01:30:12.290 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/22/18 01:30:07.793 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/23/18 01:30:07.463 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/24/18 01:30:08.600 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/25/18 01:30:08.223 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/26/18 01:30:08.303 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/27/18 01:30:07.230 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/28/18 01:30:07.250 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/29/18 01:30:08.500 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/30/18 01:30:06.763 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/31/18 01:30:06.313 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/01/18 01:30:10.373 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/02/18 01:30:07.027 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/03/18 01:30:05.947 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/04/18 01:30:06.360 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/05/18 01:30:06.857 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/06/18 01:30:07.733 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/07/18 01:30:06.563 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/08/18 01:30:07.057 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/09/18 01:30:08.053 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/10/18 01:30:10.137 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/11/18 01:30:07.260 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/12/18 01:30:10.197 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/13/18 01:30:05.857 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/14/18 01:30:07.420 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/15/18 01:30:06.693 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/16/18 01:30:09.287 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/17/18 01:30:06.703 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/18/18 01:30:06.317 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/19/18 01:30:05.860 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/20/18 01:30:11.187 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/21/18 01:30:07.353 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/22/18 01:30:08.103 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/23/18 01:30:07.537 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/24/18 01:30:06.117 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/25/18 01:30:18.340 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/26/18 01:30:36.767 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/27/18 01:30:16.173 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/28/18 01:30:07.353 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/01/18 01:30:08.190 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/02/18 01:30:06.397 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/03/18 01:30:07.000 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/04/18 01:30:07.730 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/05/18 01:30:08.520 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/06/18 01:30:06.847 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/07/18 01:30:06.923 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/08/18 01:30:06.270 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/09/18 01:30:05.713 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/10/18 01:30:06.740 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4

Lobbyist Activity

Q4 2017

Lobbyist Code: 605
Lobbyist Name: RayleenMcMillan
Email: rayleen@pdx.edu

Q4 2017 Filing: 3/26/2018
Q4 2017 Expended: \$0.00
Q4 2017 Penalty: \$2,900.00

Rayleen McMillan
1600 SW Fourth Avenue
Portland, OR 97201-_____

03/11/18 01:30:08.130 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/12/18 01:30:06.620 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/13/18 01:30:08.797 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/14/18 01:30:06.787 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/15/18 01:30:06.623 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/16/18 01:30:06.823 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/17/18 01:30:07.127 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/18/18 01:30:07.387 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/19/18 01:30:07.720 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/20/18 01:30:07.280 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/21/18 01:30:08.070 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/22/18 01:30:06.360 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/23/18 01:30:06.553 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/24/18 01:30:07.480 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/25/18 01:30:24.513 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/26/18 01:30:06.793 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/26/18 12:00:46.247 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2017

PREVIOUS VIOLATIONS: NONE

RECOMMENDATION:

Lobbyist VED
VED

To:
Oregon Government Ethics Commission
3218 Pringle Road SE
Suite 220
Salem, OR 97302

RECEIVED
APR 04 2018
OREGON GOVERNMENT
ETHICS COMMISSION

From:
Rayleen McMillan
1106 Williamson Street
Madison, WI 53703

April 3, 2018

Dear OGEC Commissioners,

I hope this letter finds you all doing well. I compose it in hopes of eliminating fees incurred for my late submission of a Q4 report in 2017.

I was serving as assistant director of government relations for Portland State University until October 31, 2017 and handled local government relations for the university. I was registered as a lobbyist with the state on a 'just in case' basis, to make sure we were in compliance if I needed to help out my colleagues in state relations during busier moments in the legislative session. This never occurred and all of my filings as an employee of PSU (including the Q4 report in question) were a zero.

The extreme tardiness of my Q4 filing for 2017 is explained by my lack of attention to detail as I was transitioning out of employment with PSU and preparing for a relocation to Wisconsin, where I currently reside. In addition to my oversight, I unfortunately didn't receive any of OGEC's attempts at contacting me after the report's deadline: following October, I was not reachable by either the email address or phone number associated with my registration, as they both belong to the university. My former work phone number was eventually transferred to a successor, who kindly contacted me after receiving a call from OGEC staff about this matter.

I send my deepest apologies for this oversight on my part, as severing my registration and filing an early report should have been tasks I completed before leaving Oregon. I do plan to return to my home state in the future, and you can rest assured a blunder like this will not occur again.

I am happy to address any follow-up questions or concerns that you may have.

Respectfully,

Rayleen McMillan



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

Website: www.oregon.gov/ogec

April 17, 2018

Kyle Williams
Oregon Forest & Industries Council
PO Box 12826
Salem OR 97309

Dear Mr. Williams:

The written explanation of why your Q1 2018 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, May 11, 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 \$10 penalty will be extended to coincide with the May 11th 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

Q1 2018

Lobbyist Code: 1404
User Name: kyleOFIC
Email: kyle@ofic.com

Kyle Williams
PO Box 12826
Salem, OR 97309

Q1 2018 Filing: 4/16/2018
Q1 2018 Expended: \$0.00
Q1 2018 Penalty: \$10.00

Activity Log - Q1 2018 to Date

03/28/18 10:38:53.777 - User Profile Created - User profile created for Kyle Williams
03/28/18 10:38:54.530 - User Profile Created - A new user profile was created.
03/28/18 10:38:54.530 - Lobbyist Profile Created - A new lobbyist profile was created.
03/28/18 10:39:33.413 - Lobbyist Client Registration Accepted - The lobbyist/client registration was accepted.
03/28/18 10:39:51.093 - User Successfully Authenticated -
04/16/18 01:30:13.113 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q1
04/16/18 09:48:37.320 - User Successfully Authenticated -
04/16/18 09:49:29.950 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q1 2018
04/16/18 09:52:09.677 - User Password Reset - The user's password was reset from the "My Profile" page.
04/16/18 09:52:09.697 - User Profile Updated - User profile updated for Kyle Williams
04/16/18 09:52:09.730 - User Profile Updated - The user's main profile was updated.
04/16/18 10:32:52.320 - User Successfully Authenticated -
04/16/18 11:23:51.510 - User Successfully Authenticated -
04/16/18 12:28:20.460 - User Successfully Authenticated -
04/16/18 01:29:07.693 - User Successfully Authenticated -

PREVIOUS VIOLATIONS: NONE

RECOMMENDATION:

Letter at Ed
RP

DANIEL Kathy * OGEC

From: Kyle Williams <kyle@ofic.com>
Sent: Monday, April 16, 2018 3:50 PM
To: OGEC Mail * OGEC
Cc: Jessica Ivanitsky
Subject: Kyle Williams late quarterly report

RECEIVED

APR 16 2018

OREGON GOVERNMENT
ETHICS COMMISSION

Good Morning,

I recently registered as a lobbyist because of a position I took with the Oregon Forest and Industries Council. Because of that, I was not aware of the rules of filing ethics reports quarterly.

I am therefore requesting mitigation on my behalf for missing the deadline by one day. I have righted the error and filed the report as needed.

I hope you would take my lack of experience in this area under consideration and please waive the fee of \$10.00.

Thank you,
Kyle Williams



Kyle Williams
Director of Forest Protection
Oregon Forest & Industries Council
O: 503-586-1244 | C: 541-207-4547 | ofic.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

Website: www.oregon.gov/ogec

April 17, 2018

Patrick Sieng
1201 Court St NE #300
Salem OR 97301

Dear Mr. Sieng:

The written explanation of why your 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, May 11, 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 \$30 penalty will be extended to coincide with the May 11th 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: 667
User Name: psieng@oregoncounties.org
Email: psieng@oregoncounties.org

Q4 2017 Filing: 1/18/2018
Q4 2017 Expended: \$0.00
Q4 2017 Penalty: \$30.00


Patrick Sieng
1201 Court St NE #300
Salem, OR 97301

Activity Log - Q4 2017 to Date

10/10/17 09:51:57.443 - User Successfully Authenticated -
10/10/17 09:52:31.753 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2017
12/19/17 08:37:13.903 - User Failed to Authenticate -
12/19/17 08:37:18.550 - User Successfully Authenticated -
12/20/17 09:28:03.737 - Lobbyist Client Registration Accepted - The lobbyist/client registration was accepted.
12/20/17 09:28:52.490 - Lobbyist Client Registration Accepted - The lobbyist/client registration was accepted.
01/01/18 01:32:23.583 - Lobbyist/Client Registration Request Expired - The lobbyist/client registration came to end of term and expired.
01/16/18 02:58:09.387 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/17/18 03:00:31.700 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/18/18 01:30:08.447 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/18/18 07:28:23.713 - User Successfully Authenticated -
01/18/18 07:29:24.123 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2017
04/15/18 06:17:34.657 - User Successfully Authenticated -
04/15/18 06:18:00.533 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q1 2018

PREVIOUS VIOLATIONS: NONE

RECOMMENDATION:

Letter of Ed




Association of
Oregon Counties

RECEIVED

APR 16 2018

OREGON GOVERNMENT
ETHICS COMMISSION

April 15, 2018

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

To Whom it May Concern:

I would like to request a waiver of fees in the amount of \$30.00 for a late filing submitted on January 18, 2018 for my 2017 Q4 lobbyist report. I was out of state on vacation and was not accessing my email from Friday, December 29, 2017 to Thursday, January 18, 2018. My flight information departing Oregon was Delta 1761 (confirmation GHJR74). My returning flight was Alaska 15 (confirmation GALLYP).

Thank you very much.

Sincerely,

Patrick Sieng

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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

Website: www.oregon.gov/ogec

April 25, 2018

Mindy McCartt
Oregon State Police
3565 Trelstad Ave. SE
Salem OR 97317

Re: William Fugate

Dear Ms. McCartt:

The written explanation of why the Q1, 2018 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, May 11, 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 Q1, 2018 (\$100) penalty will be extended to coincide with the May 11th 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

Q1 2018

Client Code: 1751
User Name: OSP
Email: bill.fugate@state.or.us

Oregon State Police
Attn: Bill Fugate
3565 Trelstad Ave SE
Salem, OR 97317

Q1 2018 Filing: 4/25/2018
Q1 2018 Expended: \$0.00
Q1 2018 Penalty: \$100.00

Activity Log - Q1 2018 to Date

01/10/18 12:30:01.027 - User Profile Created - User profile created for Bill Fugate
01/10/18 12:30:01.253 - User Profile Created - A new user profile was created.
01/10/18 12:30:01.423 - Client Profile Created - The client profile was created.
04/16/18 01:30:15.423 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q1
04/17/18 01:30:09.017 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q1
04/18/18 01:30:09.270 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q1
04/19/18 01:30:11.607 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q1
04/20/18 01:30:07.733 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q1
04/21/18 01:30:13.017 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q1
04/22/18 01:30:10.843 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q1
04/23/18 01:30:07.670 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q1
04/24/18 01:30:06.720 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q1
04/25/18 01:30:06.653 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q1
04/25/18 02:37:54.297 - Client Report Submitted - Client Report Submitted for Q1 2018

Letter of Ed
(12)

DANIEL Kathy * OGEC

From: McCartt, Mindy <mindy.mccartt@state.or.us>
Sent: Wednesday, April 25, 2018 2:54 PM
To: DANIEL Kathy * OGEC
Subject: Penalty mitigation request



Dear Commissioners,

I have worked with OGE staff to terminate the registration of William Fugate as the Lobbyist for the Oregon State Police. Mr. Fugate was placed on administrative Leave on February 28, 2018 pending the outcome of an investigation. His quarterly report has been filed. We are requesting the approval to mitigate the penalties.

Thank you

Mindy McCartt
Communications Director
Oregon State Police
3565 Trelstad Ave SE, Salem, OR 97317
Email: Mindy.McCartt@state.or.us
Phone: (503) 984-0234 | Cell: (503) 509-2597
To provide premier public safety services.

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This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

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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

Website: www.oregon.gov/ogec

March 27, 2018

Alan Hanley
PO Box 738
Halfway OR 97834

Re: 2017 SEI Penalty

Dear Mr. Hanley:

The written explanation of why your 2017 Statement of Economic Interest 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, May 11, 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 \$70 penalty will be extended to coincide with the May 11th 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



SEI Activity

2017

SEI Code: 5530
User Name: alan hanley
Email: ajayhanley@yahoo.com

2017 Filing: 3/26/2018
2017 Penalty: \$70.00

Alan Hanley
P.O. Box 738
Halfway, OR 97834

2017 Offices Held

HALFWAY (City), COUNCIL - Appointed 01/01/17

Activity Log - 2017 to Date

02/23/17 01:02:39.063 - User Profile Created - User profile created for Alan Hanley
02/23/17 01:02:47.620 - User Profile Created - A new user profile was created.
02/23/17 01:02:47.650 - SEI Assigned to Seat - SEI Assigned to Seat
05/07/17 01:30:43.970 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/09/17 01:30:15.440 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/11/17 01:30:18.127 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/11/17 09:29:57.903 - User Profile Updated - The user's main profile was updated.
05/11/17 09:30:07.937 - User Profile Updated - User profile updated for Alan Hanley
05/12/17 02:20:03.950 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/14/17 01:30:13.783 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/15/17 01:30:15.723 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/16/17 01:30:13.657 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/16/17 12:39:39.920 - Admin User Reset Initiated - An admin user reset was initiated.
05/16/17 12:40:22.133 - Admin User Password Reset Completed - A user reset their password using an admin reset.
05/16/17 12:41:02.370 - User Successfully Authenticated -
05/16/17 12:42:04.723 - User Profile Updated - User profile updated for Alan Hanley
05/16/17 12:42:16.107 - User Profile Updated - The user's main profile was updated.
05/16/17 12:42:42.283 - Admin User Reset Initiated - An admin user reset was initiated.
05/16/17 12:45:06.937 - User Failed to Authenticate -
05/16/17 12:45:35.150 - User Failed to Authenticate -
05/16/17 12:54:50.483 - Admin User Password Reset Completed - A user reset their password using an admin reset.
05/16/17 12:55:57.563 - User Successfully Authenticated -
05/16/17 01:22:13.547 - Late SEI Report Filed - SEI Report Filed Late for year 2017
03/26/18 02:57:16.373 - User Failed to Authenticate -
03/26/18 03:20:45.577 - User Failed to Authenticate -
03/26/18 03:21:25.460 - User Successfully Authenticated -
03/26/18 03:35:22.090 - User Successfully Authenticated -
03/26/18 03:39:59.730 - SEI Report Filed - SEI Report Filed for year 2018

PREVIOUS VIOLATIONS: NONE

RECOMMENDATION:

Letter to Ed

HUNTER David * OGEC

From: Alan Hanley <ajayhanley@yahoo.com>
Sent: Monday, March 26, 2018 3:44 PM
To: OGEC Mail * OGEC
Subject: \$70 late fee

Last year at the time of filing SEI I was working away from home and not able to do the filing, please do not charge me a late fee. Thank you, Alan Hanley of Halfway, Oregon

RECEIVED
MAR 26 2018
OREGON GOVERNMENT
ETHICS COMMISSION

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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

Website: www.oregon.gov/ogec

April 5, 2018

Kenneth DeGrange
PO Box 222
Wasco OR 97065

Re: 2017 SEI Penalty

Dear Mr. DeGrange:

The written explanation of why your 2017 Statement of Economic Interest 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, May 11, 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 \$120 penalty will be extended to coincide with the May 11th 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



SEI Activity

2017

SEI Code: 4954
User Name: qsefth
Email: degcon@centurylink.net

2017 Filing: 3/18/2018
2017 Penalty: \$120.00

Ken DeGrange
PO Box 222
Wasco, OR 97065

2017 Offices Held

No data to report.

Activity Log - 2017 to Date

05/07/17 01:30:41.620 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/09/17 01:30:14.863 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/10/17 03:11:44.943 - User Profile Updated - User profile updated for Ken DeGrange
05/10/17 03:11:56.027 - User Profile Updated - The user's main profile was updated.
05/11/17 01:30:16.957 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/12/17 02:20:03.260 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/14/17 01:30:12.923 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/15/17 01:30:15.227 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/15/17 10:11:22.773 - Admin User Reset Initiated - An admin user reset was initiated.
05/15/17 07:46:58.270 - User Successfully Authenticated -
05/16/17 01:30:13.083 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/17/17 01:30:13.427 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/18/17 01:30:13.307 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/19/17 01:30:16.160 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/20/17 01:30:32.157 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/21/17 01:30:14.063 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017
05/21/17 07:31:06.807 - User Successfully Authenticated -
05/21/17 07:37:02.077 - Late SEI Report Filed - SEI Report Filed Late for year 2017
03/18/18 03:50:01.863 - User Failed to Authenticate -
03/18/18 03:51:29.870 - User Successfully Authenticated -
03/18/18 04:01:26.220 - SEI Report Filed - SEI Report Filed for year 2018

PREVIOUS VIOLATIONS: NONE

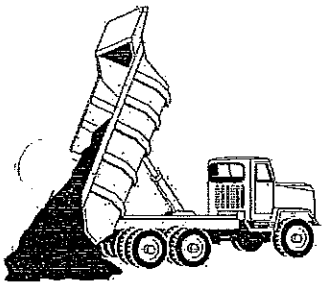
RECOMMENDATION:

Letter of Ed
(10)

DeGRANGE CONSTRUCTION, LLC.

OR LIC# 161930

PO BOX 222 • Wasco, OR 97065 • office: (541)442-5712 • fax: (541)442-8588 • degcon@centurylink.net



To: Or Government Ethics Commission

From: Kenneth DeGrange

RECEIVED
APR 04 2018
OREGON GOVERNMENT
ETHICS COMMISSION

I would like to apologize for my tardiness on filing my 2017 report. I am the owner of a small construction company and as so my duties are many, which keeps me very busy. I ask that you waive the late penalty fees as this is my first violation.

Thank You,


Kenneth DeGrange

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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

Website: www.oregon.gov/ogec

April 30, 2018

Robert Weikum
PO Box 304
Idanha OR 97350

Re: 2017 SEI late filing

Dear Mr. Weikum:

The written explanation of why your 2017 Statement of Economic Interest 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, May 11, 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.

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



DANIEL Kathy * OGEC

From: Jeanette Weikum <rjbweikum@yahoo.com>
Sent: Monday, April 30, 2018 11:27 AM
To: DANIEL Kathy * OGEC
Subject: Letter of explanation

Hi, my name is Robert Weikum and I am the water commissioner for the city of Idanha. I want to apologize for not filing my statement of economic interest for 2017 and also 2018. I called O.G.E.N. and a very nice lady named Kathy helped me get set up and filed. I will be filing each year before the 15th of April, as long as I'm on the council. Please accept my apology as this is a very important issue to me. Again I wanted to take a minute here and say that I'm sorry for not filing as I should have. Robert Weikum

Sent from Yahoo Mail on Android

After speaking with Mr. Weikum, it seems that his invitation to create an account slipped by him. He verbally took responsibility for this. Since he had not created an account, he was not receiving email notifications. It was not brought to our attention last year by the Jurisdictional Contact for Idanha. I cannot tell through the Audit Log when the JC first seated him although his assignment date is 9/08/16. His invite token was active, which tells me it may have been entered within the past 90 days.

He just received a call from the JC when she noticed he had not established an electronic account, and he called us today, Monday 4/30. I assisted him with getting his account set up and filed.

RECOMMENDATION:

Letter filed
(initials)

C

C

C

interest, for a total of \$5,000 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 Jake Pieper.
- B. In lieu of a civil penalty, as authorized by ORS 244.350, Jake Pieper 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 Jake Pieper within the scope of the above-referenced proceedings.
- D. Jake Pieper 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.

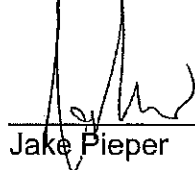
6. EFFECT:

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, Jake Pieper 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, Jake Pieper 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.



Jake Pieper

4/4/18

Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
)
)
Frank Segarra)
)
)
_____)

STIPULATED FINAL ORDER

CASE NO. 17-113SMS

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 Frank Segarra.

2. JURISDICTION: At all material times, Frank Segarra was a Lowell Municipal Judge. Frank Segarra was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:
 - A. As a Lowell Municipal Judge, Frank Segarra 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. Frank Segarra failed to file the required statements in timely fashion on April 15 of 2013 and 2014. Both statements were filed on February 23, 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 Frank Segarra.
- B. In lieu of a civil penalty, as authorized by ORS 244.350, Frank Segarra 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 Frank Segarra within the scope of the above-referenced proceedings.
- D. Frank Segarra 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.

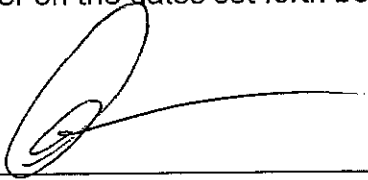
6. EFFECT:

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, Frank Segarra 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, Frank Segarra 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.



Frank Segarra

January 31 2018
Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
)
)
Viola Rose)
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)
_____)

STIPULATED FINAL ORDER

CASE NO. 17-120SDG

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 Viola Rose.

2. JURISDICTION: At all material times, Viola Rose was a member of the Prairie City Council. Viola Rose was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:
 - A. As a City Council member, Viola Rose 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. Viola Rose failed to file the required statements in timely fashion on April 15 of 2013 and 2015. The statements were filed on February 22, 2018.

 - 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 two 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 Viola Rose.
- B. In lieu of a civil penalty, as authorized by ORS 244.350, Viola Rose 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 Viola Rose within the scope of the above-referenced proceedings.
- D. Viola Rose 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.

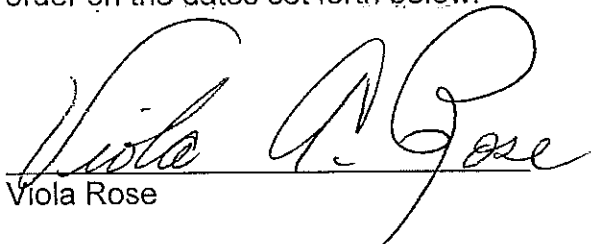
6. EFFECT:

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.

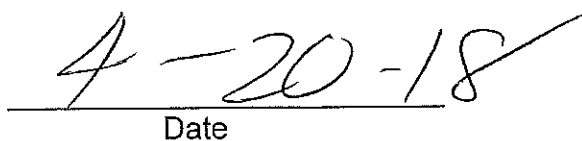
By signing this agreement, Viola Rose agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Viola Rose 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.



Viola Rose



Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

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(

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)

Michael Dennis)
_____)

STIPULATED FINAL ORDER

CASE NO. 17-125SMT

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 Michael Dennis.

2. JURISDICTION: At all material times, Michael Dennis was a member of the City of Turner Council. Michael Dennis was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:
 - A. As a City of Turner Council member, Michael Dennis 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. Michael Dennis failed to file the required statements in timely fashion on April 15 of 2013 and 2014. The statement(s) were filed on April 5, 2018.

 - 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 two 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 Michael Dennis
- B. In lieu of a civil penalty, as authorized by ORS 244.350, Michael Dennis 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 Michel Dennis within the scope of the above-referenced proceedings.
- D. Michael Dennis 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, Michael Dennis 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, Michael Dennis 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.



Michael Dennis



Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

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BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
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)
Matt Allen)
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)
_____)

STIPULATED FINAL ORDER

CASE NO. 17-129SMT

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 Matt Allen.

2. JURISDICTION: At all material times, Matt Allen was a member of the Yoncalla City Council. Matt Allen 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 Yoncalla City Council, Matt Allen 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. Matt Allen failed to file the required statement in timely fashion on April 15 of 2013. The statement was filed on February 27, 2017.

 - C. The action described in paragraph B above constituted one distinct 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 late filing 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 Matt Allen.
- B. In lieu of a civil penalty, as authorized by ORS 244.350, Matt Allen 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 Matt Allen within the scope of the above-referenced proceedings.
- D. Matt Allen 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.

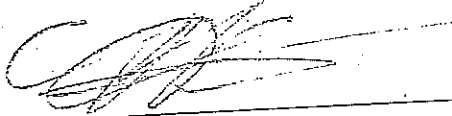
6. EFFECT:

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, Matt Allen 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, Matt Allen 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.



Matt Allen



Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

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BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

David Lee

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STIPULATED FINAL ORDER

CASE NO. 17-130SMT

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 David Lee.

2. JURISDICTION: At all material times, David Lee was a member of the Umatilla County Planning Commission. David Lee 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 of Umatilla County, David Lee 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. David Lee failed to file the required statements in timely fashion on April 15 of 2013, 2014 and 2015. The statements were filed on April 5, 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 David Lee.
- B. In lieu of a civil penalty, as authorized by ORS 244.350, David Lee 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 David Lee within the scope of the above-referenced proceedings.
- D. David Lee 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.

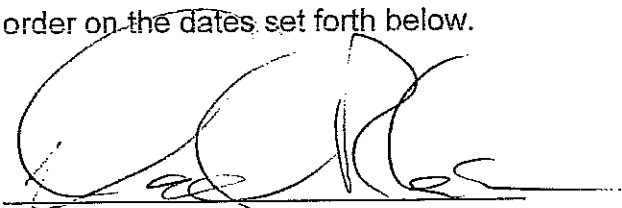
6. EFFECT:

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.

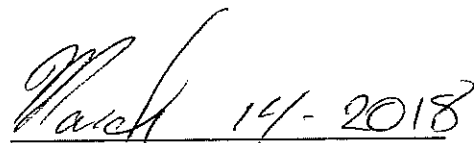
By signing this agreement, David Lee agrees to waive his right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, David Lee 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.



David Lee



Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Melissa Aurand

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STIPULATED FINAL ORDER

CASE NO. 18-016SMT

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 Melissa Aurand.

2. JURISDICTION: At all material times, Melissa Aurand was a City of Banks Planning Commissioner. Melissa Aurand was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:
 - A. As a planning commissioner, Melissa Aurand was required by ORS 244.050(1)(k) to file an annual verified statement of economic interest on or before April 15 of each year.

 - B. Melissa Aurand failed to file the required statement in timely fashion on April 15 of 2014. The statement was filed February 20, 2018.

 - C. The action described in paragraph B above constituted one 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. Pursuant to ORS 244.350(4)(b), failure to file the required statement of economic interest in timely fashion is prima facie evidence of a violation of ORS 244.050.
- B. In lieu of a civil penalty, as authorized by ORS 244.350, Melissa Aurand 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 Melissa Aurand within the scope of the above-referenced proceedings.
- D. Melissa Aurand 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.

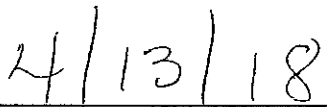
By signing this agreement, Melissa Aurand agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Melissa Aurand 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.



Melissa Aurand



Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

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BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)

Ed Brockman)
_____)

STIPULATED FINAL ORDER

CASE NO. 18-017SMT

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 Ed Brockman.
2. JURISDICTION: At all material times, Ed Brockman was a city councilor for the City of Lake Oswego. Ed Brockman was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
3. STIPULATED FACTS:
 - A. As a City Councilor, Ed Brockman 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. Ed Brockman failed to file the required statement in timely fashion on April 15 of 2014. The statement was filed February 28, 2018.
 - C. The action described in paragraph B above constituted one 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. Pursuant to ORS 244.350(4)(b), failure to file the required statement of economic interest in timely fashion is prima facie evidence of a violation of ORS 244.050.
- B. As authorized by ORS 244.350, Ed Brockman 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 Ed Brockman within the scope of the above-referenced proceedings.
- D. Ed Brockman 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.

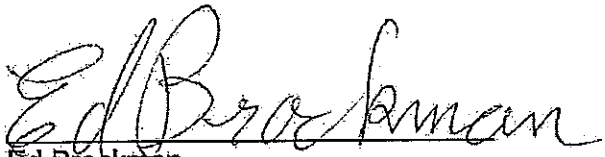
6. EFFECT:

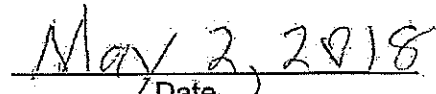
This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Ed Brockman 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, Ed Brockman 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.


Ed Brockman


Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
)
)
Samuel Hopkins-Hubbard)
)
)
_____)

STIPULATED FINAL ORDER
CASE NO. 18-036SMT

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 Samuel Hopkins-Hubbard.

2. JURISDICTION: At all material times, Samuel Hopkins-Hubbard was a Milton-Freewater City Councilor. Samuel Hopkins-Hubbard was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:
 - A. As an elected City Councilor, Samuel Hopkins-Hubbard 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. Samuel Hopkins-Hubbard failed to file the required statement in timely fashion on April 15 of 2014. The statement was filed on February 23, 2018.

 - C. The action described in paragraph B above constituted one 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. Pursuant to ORS 244.350(4)(b), failure to file the required statement of economic interest in timely fashion is prima facie evidence of a violation of ORS 244.050.
- B. As authorized by ORS 244.350, Samuel Hopkins-Hubbard will receive a letter of education in order to settle and comprise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Samuel Hopkins-Hubbard within the scope of the above-referenced proceedings.
- D. Samuel Hopkins-Hubbard 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, Samuel Hopkins-Hubbard 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, Samuel Hopkins-Hubbard 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.



Samuel Hopkins-Hubbard

04-07-18
Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)

Robert Keyser)

) **STIPULATED FINAL ORDER**

) **CASE NO. 18-039SMT**

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 Robert Keyser.

2. JURISDICTION: At all material times, Robert Keyser was a Port Commissioner with the Port of St. Helens. Robert Keyser was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:

A. As a Port Commissioner, Robert Keyser was required by ORS 244.050(1)(s) to file an annual verified statement of economic interest on or before April 15 of each year.

B. Robert Keyser failed to file the required statement in timely fashion on April 15 of 2014. The statement was filed February 20, 2018.

C. The action described in paragraph B above constituted one 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. Pursuant to ORS 244.350(4)(b), failure to file the required statement of economic interest in timely fashion is prima facie evidence of a violation of ORS 244.050.
- B. As authorized by ORS 244.350, Robert Keyser will receive a letter of education in order to settle and comprise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Robert Keyser within the scope of the above-referenced proceedings.
- D. Robert Keyser 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.

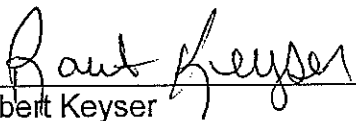
6. EFFECT:

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.

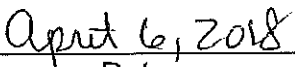
By signing this agreement, Robert Keyser agrees to waive his right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Robert Keyser 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.



Robert Keyser



Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)

Ann Rakosi)
_____)

)
)
) **STIPULATED FINAL ORDER**

) **CASE NO. 18-046SMT**
)
)

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 Ann Rakosi.

2. JURISDICTION: At all material times, Ann Rakosi was a City of Myrtle Point Planning Commissioner. Ann Rakosi was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:
 - A. As an appointed Planning Commissioner, Ann Rakosi was required by ORS 244.050(1)(k) to file an annual verified statement of economic interest on or before April 15 of each year.

 - B. Ann Rakosi failed to file the required statement in timely fashion on April 15 of 2014. The statement was filed February 28, 2018.

 - C. The action described in paragraph B above constituted one 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. Pursuant to ORS 244.350(4)(b), failure to file the required statement of economic interest in timely fashion is prima facie evidence of a violation of ORS 244.050.
- B. As authorized by ORS 244.350, Ann Rakosi will receive a letter of education in order to settle and comprise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Ann Rakosi within the scope of the above-referenced proceedings.
- D. Ann Rakosi 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.

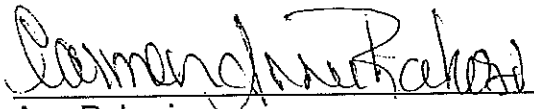
6. EFFECT:

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, Ann Rakosi 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, Ann Rakosi 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.


Ann Rakosi

4-15-2018
Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

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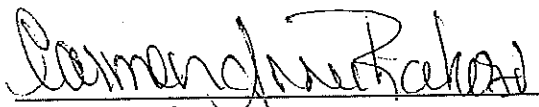
(

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, Ann Rakosi 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, Ann Rakosi 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.


Ann Rakosi

4-15-2018
Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

Duplicate

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(

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BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)

Andrea Rogers)

) STIPULATED FINAL ORDER

) CASE NO. 18-048SMT

- _____)
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 Andrea Rogers

 2. JURISDICTION: At all material times, Andrea Rogers was Mayor of the City of Mosier. Andrea Rogers was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

 3. STIPULATED FACTS:
 - A. As an elected official, Andrea Rogers 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. Andrea Rogers failed to file the required statement in timely fashion on April 15 of 2014. The statement was filed February 26, 2018.

 - C. The action described in paragraph B above constituted one 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. Pursuant to ORS 244.350(4)(b), failure to file the required statement of economic interest in timely fashion is prima facie evidence of a violation of ORS 244.050.
- B. As authorized by ORS 244.350, Andrea Rogers will receive a letter of education in order to settle and comprise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Andrea Rogers within the scope of the above-referenced proceedings.
- D. Andrea Rogers 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, Andrea Rogers 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, Andrea Rogers 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.



Andrea Rogers

4/17/2018
Date

Alison R. Kean, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)

Brenden King)

STIPULATED FINAL ORDER

CASE NO. 18-087SMT

-
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 Brenden King.

 2. JURISDICTION: At all material times, Brenden King was a Candidate for State Representative. Brenden King was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

 3. STIPULATED FACTS:
 - A. As a Candidate for State Representative, Brenden King was required by ORS 244.050(1)(c) as a candidate for a public office designated in paragraph (a) or (b) of ORS 244.050(1), to file an annual verified statement of economic interest on or before April 15 of each year.

 - B. Brenden King failed to file the required statement in timely fashion on April 15 of 2014. The statement was filed April 11, 2018.

 - C. The action described in paragraph B above constituted one 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. Pursuant to ORS 244.350(4)(b), failure to file the required statement of economic interest in timely fashion is prima facie evidence of a violation of ORS 244.050.
- B. In lieu of a civil penalty, as authorized by ORS 244.350, Brenden King 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 Brenden King within the scope of the above-referenced proceedings.
- D. Brenden King 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.

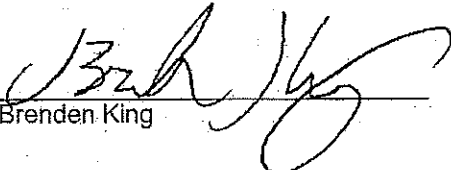
6. EFFECT:

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, Brenden King 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, Brenden King 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.


Brenden King

4/12/18
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

Website: www.oregon.gov/ogec

March 27, 2018

Lydia Muniz
PO Box 7711
Salem OR 97303

Dear Ms. Muniz:

The written explanation of why your 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, May 11, 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 \$2,600 penalty will be extended to coincide with the May 11th 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: 911
User Name: Lydia Muniz
Email: lg_muniz@hotmail.com

Q4 2017 Filing: 3/20/2018
Q4 2017 Expended: \$0.00
Q4 2017 Penalty: \$2,600.00

Lydia Muniz
500 Summer Street NE
Salem, OR 97301

Activity Log - Q4 2017 to Date

10/02/17 10:19:03.010 - User Successfully Authenticated -
10/02/17 10:20:14.600 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2017
01/01/18 01:32:27.717 - Lobbyist/Client Registration Request Expired - The lobbyist/client registration came to end of term and expired.
01/16/18 02:58:09.620 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/17/18 03:00:31.810 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/18/18 01:30:08.930 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/19/18 01:30:07.810 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/20/18 01:30:08.247 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/21/18 01:30:12.633 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/22/18 01:30:08.263 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/23/18 01:30:07.963 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/24/18 01:30:09.380 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/25/18 01:30:08.787 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/26/18 01:30:08.477 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/27/18 01:30:07.573 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/28/18 01:30:07.627 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/29/18 01:30:08.767 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/30/18 01:30:07.060 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2017 Q4
01/31/18 01:30:06.597 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/01/18 01:30:10.607 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/02/18 01:30:07.200 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/03/18 01:30:06.213 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/04/18 01:30:06.517 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/05/18 01:30:07.013 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/06/18 01:30:08.030 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/07/18 01:30:06.750 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/08/18 01:30:07.293 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/09/18 01:30:08.800 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/10/18 01:30:12.180 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/11/18 01:30:07.540 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/12/18 01:30:10.697 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/13/18 01:30:06.140 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/14/18 01:30:07.703 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/15/18 01:30:07.007 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/16/18 01:30:09.693 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/17/18 01:30:07.217 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/18/18 01:30:07.503 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/19/18 01:30:06.097 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/20/18 01:30:12.840 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/21/18 01:30:07.663 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/22/18 01:30:08.710 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/23/18 01:30:07.817 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/24/18 01:30:06.490 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/25/18 01:30:18.607 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/26/18 01:30:36.987 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/27/18 01:30:16.347 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
02/28/18 01:30:07.667 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/01/18 01:30:08.627 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/02/18 01:30:06.847 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/03/18 01:30:07.263 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/04/18 01:30:07.950 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/05/18 01:30:08.723 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/06/18 01:30:07.533 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/07/18 01:30:07.560 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/08/18 01:30:06.597 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4

Lobbyist Activity

Q4 2017

Lobbyist Code: 911
Lobbyist Name: Lydia Muniz
Email: lg_muniz@hotmail.com

Lydia Muniz
500 Summer Street NE
Salem, OR 97301

Q4 2017 Filing: 3/20/2018
Q4 2017 Expended: \$0.00
Q4 2017 Penalty: \$2,600.00

03/09/18 01:30:05.963 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/10/18 01:30:07.007 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/11/18 01:30:08.427 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/12/18 01:30:06.933 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/13/18 01:30:09.203 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/14/18 01:30:07.520 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/15/18 01:30:06.873 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/16/18 01:30:07.043 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/17/18 01:30:07.890 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/18/18 01:30:08.650 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/19/18 01:30:08.220 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/20/18 01:30:07.733 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017 Q4
03/20/18 08:55:36.050 - Admin User Reset Initiated - An admin user reset was initiated.
03/20/18 08:57:13.663 - Admin User Password Reset Completed - A user reset their password using an admin reset.
03/20/18 08:57:48.193 - User Successfully Authenticated -
03/20/18 08:58:22.337 - User Profile Updated - User profile updated for Lydia Muniz
03/20/18 08:58:22.343 - User Profile Updated - The user's main profile was updated.
03/20/18 08:58:53.060 - Admin User Reset Initiated - An admin user reset was initiated.
03/20/18 10:23:09.463 - User Profile Updated - The user's main profile was updated.
03/20/18 10:23:09.463 - User Profile Updated - User profile updated for Lydia Muniz
03/20/18 01:42:15.677 - Admin User Password Reset Completed - A user reset their password using an admin reset.
03/20/18 01:43:08.460 - User Successfully Authenticated -
03/20/18 01:54:04.197 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2017
03/20/18 02:05:17.343 - User Successfully Authenticated -
03/20/18 02:06:16.943 - User Profile Updated - User profile updated for Lydia Muniz

PREVIOUS VIOLATIONS: Q2 2016 \$160 late filing. Letter of Education
11-8-16

RECOMMENDATION:

2nd violation 10%
\$260

HUNTER David * OGEC

From: Lydia Muniz <lg_muniz@hotmail.com>
Sent: Tuesday, March 20, 2018 3:11 PM
To: HUNTER David * OGEC
Subject: Late 4th quarter report

Attn: David Hunter, Oregon Government Ethics Commission

Thank you for taking the time to assist me with updating my log-in page and getting set up for filing my SEI now that I have been appointed to the Western Oregon University, board of trustees.

I also appreciate you pointing out that I was late in filing my 2017 4th quarter lobbyist report and that there are now fines accruing daily. As of today 3/20/18 I have filed the lobbyist 4th quarter report and I wish to ask that all fines be waived due to the following circumstances:

Effective 12/1/17 I retired from state service and from the Department of Human Services where I held a position that required me to register as a lobbyist. The two months prior to my official retirement, I was on sick leave for the months of October and November and preoccupied with two major illnesses for family members (my mother and my sister). Needless to say, my mind was not on work or my OGEC filing obligations. Immediately at the end of my time away to care for my family members I retired from state service. Any subsequent reminders from you were not received as I was no longer employed and no longer had my state e-mail address and I missed updating my information once I retired.

I am not making excuses, just asking for consideration for forgetting due to family illnesses, retirement and no longer receiving your reminder e-mails. Immediately upon making contact with you I filed the proper report and also filed my Statement of Economic Interest that is due on 4/15/18. With my email address now updated I am now set up to receive communications and reminders from OGEC going forward. I would request that you set aside any fees and penalties and accept my sincere apologies for my tardiness. I understand my responsibilities in the future.

Thank you for your consideration. Please let me know if I can provide any further information or answer any questions.

Sincerely,

Lydia Muniz
503 871-3368

OREGON GOVERNMENT ETHICS COMMISSION

INVESTIGATION

CASE NO: 17-060EDG

DATE: April 18, 2018

RESPONDENT: FORREST, Dewayne, Training Officer, Lakeside Rural Fire Protection District

COMPLAINANT: DUNN, Stacy

RECOMMENDED ACTION: Dismiss the Complaint

1 **SYNOPSIS:** Dewayne Forrest was the training officer for the Lakeside Rural Fire
2 Protection District (District) when the events relevant to this investigation occurred. The
3 focus of the investigation was to determine if there is sufficient evidence to indicate that
4 Dewayne Forrest used his position in a prohibited manner by using the District's vehicle for
5 his personal use.

6
7 Mr. Forrest was an unpaid trainer for the District, helping the firefighters obtain state
8 certifications, while also covering shifts as a volunteer firefighter. The complaint in this
9 case alleged that Mr. Forrest was using a District pickup truck for personal use because he
10 was observed at a gas station refueling the truck with children in it. Information indicates
11 Mr. Forrest was delivering equipment to the District office at the direction of the Fire Chief
12 at the time. A District record signed by DeWayne Forrest on 1/10/17 shows that Mr.
13 Forrest agreed not to use the vehicle for his personal use unless authorized to do so by his
14 Duty Officer. His Duty Officer who co-signed the 1/10/17 record was Chief Jeremy
15 Roberts. Chief Roberts informed the Commission that he authorized Mr. Forrest to use the
5 District vehicle to drive to and from the district when performing his volunteer duties on

1 behalf of the District. Available information is insufficient to indicate that DeWayne Forrest
2 violated the use of office provisions of Oregon Government Ethics law.

3
4 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
5 issues addressed herein:

6
7 244.020 (15) "Public official' means the First Partner and any person who, when an
8 alleged violation of this chapter occurs, is serving the State of Oregon or any of its
9 political subdivisions or any other public body as defined in ORS 174.109 as an
10 elected official, appointed official, employee or agent, irrespective of whether the
11 person is compensated for the services."

12
13 **244.040 "Prohibited use of official position or office; exceptions; other**
14 **prohibited actions.** (1) Except as provided in subsection (2) of this section, a
15 public official may not use or attempt to use official position or office to obtain
16 financial gain or avoidance of financial detriment for the public official, a relative or
17 member of the household of the public official, or any business with which the public
18 official or a relative or member of the household of the public official is associated, if
19 the financial gain or avoidance of financial detriment would not otherwise be
20 available but for the public official's holding of the official position or office."

21
22 "(2) Subsection (1) of this section does not apply to:

23 (a) Any part of an official compensation package as determined by the public body
24 that the public official serves.

25 (c) Reimbursement of expenses.

26
27 **OAR 199-005-0035 Guidelines for compliance with ORS 244.020(6), 244.025,**
28 **244.040, 244.042 and 244.047**

29 (2) The term "official duties" means that the public official's actions are

1 directly related to serving the state of Oregon or any of its political
2 subdivisions or any other public body as a public official:

3
4 (3) An "official compensation package" means the wages and other benefits
5 provided to the public official. To be part of the public official's "official
6 compensation package", the wages and benefits must have been specifically
7 approved by the public body in a formal manner, such as through a union
8 contract, an employment contract, or other adopted personnel policies that
9 apply generally to employees or other public officials. "Official compensation
10 package" also includes the direct payment of a public official's expenses by
11 the public body, in accordance with the public body's policies.

12
13 (4) As used in ORS 244.040(2)(c), "reimbursement of expenses" means the
14 payment by a public body to a public official serving that public body, of
15 expenses incurred in the conduct of official duties on behalf of the public
16 body. Any such repayment must comply with any applicable laws and
17 policies governing the eligibility of such repayment. Expenses paid by the
18 public body to their own public officials need not be reported by the public
19 official under ORS 244.060."

20
21 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated a
22 preliminary review based on information in a signed complaint from Stacy Dunn on 9/12/17.
23 (#PR1). Mr. Dunn alleged that Dewayne Forrest, Training Officer with the Lakeside Rural
24 Fire Protection District (District) may have violated Oregon Government Ethics law. The
25 Commission found cause to investigate on 11/17/17 after considering the information
26 developed in the preliminary review. The focus of the investigation was to determine if
27 there is sufficient evidence to indicate that Dewayne Forrest used his position in a
28 prohibited manner by using the District's vehicle for his personal use. Mr. Forrest and Mr.
29 Dunn have been notified of the Commission actions in this matter. Both have been invited
30 to provide any information which would assist the Commission in conducting this
31 investigation.

1 The complaint is excerpted below:
2

3 "On June 29th 2017 Dwayne Forest [sic] a member of the Lakeside Fire department
4 was at a local gas station fueling a publicly owned vehicle with his three children
5 inside the vehicle using it for personal use to transport his small children with tax
6 payers dollars. [T]his is a total violation of public funds as the vehicle belongs to the
7 people for emergency response and not personal use...." (#PR1)
8

9 Mr. Forrest provided an email in response, which is set out below:
10

11 "I was called into lakeside that day to bring in some batteries for the scba's and
12 some hand tools[.] I told chief Jeremy that I had the kids with me and he said that
13 was fine this time[.] [A]fter I dropped off the tools and batteries I went to the gas
14 station to fuel up before I headed home. Michael Roberts was there getting fuel for
15 one of the rescues". (#PR2)
16

17 District Fire Chief Jeremy Roberts was contacted and explained that the Fire District had to
18 cease operations for a period of time due to lack of proper insurance and other issues.
19 When it re-opened in October of 2016, he was Fire Chief and Mr. Forrest was one of the
20 first people to contact him to offer help. Mr. Forrest has been working as the District's
21 Training Officer, a volunteer position, since then, which is a very valuable service because
22 the District is now getting the training recommended to meet the Department of Public
23 Standards Safety and Training [DPSST] standards.
24

25 Chief Roberts said that there are only two people who are authorized to use Fire District
26 vehicles when travelling to and from home. One is himself as Chief, and the other is
27 Dewayne Forrest, the Training Officer. The Board and the Chief agreed to allow Forrest to
28 use the District vehicle for personal travel. When asked if this was part of Mr. Forrest's
29 official compensation package, Chief Roberts said they do not have any official
30 compensation package for the Training Officer position, but the Board authorized him to
31 allow Mr. Forrest to use the District's vehicle in the manner described. (#PR3)

1 Current District Board member and the District's custodian of records, Michelle Roe, was
2 apparently contacted by Chief Roberts and asked by him to provide District records of the
3 Board's direction to him. On 10/2/17, Ms. Roe sent an email to Commission staff, which is
4 excerpted below:

5
6 "Dwayne [sic] lives in Charleston a good 20-30 minutes away. He was teaching our
7 DPSST EMR class on Monday and Thursday nights and our Firefighter 1 classes on
8 Tuesday nights. That meant he was coming here a minimum 3 times a week using
9 his car and gas. He was coming most days to be coverage during the day when
10 most of our volunteers were at work."

11
12 "My recollection is we didn't vote as a board, but we discussed and came to a
13 consensus [sic] to allow/direct Jeremy as Chief of day to day operations that he had
14 the authority and the 5 board members supported the decision to provide the
15 vehicle and gas to Dwayne [sic]...."

16
17 "If I don't find the minutes for some reason, I will figure out how to get you a copy of
18 the cassette tape." (#PR4)

19
20 Mr. Armstrong, another current District Board member, was contacted during preliminary
21 review, and he had similar recollections of such a discussion taking place between the
22 Board members and Chief Roberts. He noted that the minutes may not have captured the
23 discussion because he recalled the discussion was part of the Chief's Report to the Board.
24 (#PR5)

25
26 During the investigation period, more information and records were provided by the
27 District's Board Secretary and custodian of records, Ms. Roe. Ms. Roe explained that
28 during the period when the District was non-operational in 2016, the Board adopted the
29 Hauser Rural Fire District policy manual for the Lakeside District, and she sent some
30 pertinent pages entitled "Personnel Policy and Procedures", portions of which are
31 excerpted below:

1 "Overview and Purpose of Personnel Policies

2 ...The Fire Chief may vary or modify any District personnel policy, on a case-by-
3 case basis, if it is found that strict application of the policy is impractical or if it would
4 result in hardship...."

5
6 "Personnel Administration Generally

7 The Board of Directors and Fire Chief shall have authority over all matters of
8 personnel administration through adoption and implementation of the District
9 budget, pay plans, collective bargaining agreements, and ordinances and
10 resolutions adopting and/or amending the personnel rules and regulations...."

11
12 "The Fire Chief shall be responsible for ensuring the effective implementation of
13 these rules and regulations and may further establish, amend, or otherwise modify
14 administrative rules and regulations pursuant to Board policies and shall advise the
15 Board on any changes concerning these rules and regulations. The Board
16 delegates to the Fire Chief broad discretion in all aspects of personnel and labor
17 relations, subject to the advice and concurrence of the Board." (#INV1)

18
19 Also received from Ms. Roe was an email to investigator and copied to each current District
20 Board member, with an attached copy of Dewayne Forrest's "Lakeside Fire Department
21 Code of Conduct for Vehicle Use". This Code of Conduct has 11 rules that must be agreed
22 to. The first rule states "[v]ehicle will not be used for personal use unless approved by the
23 'duty officer'. The form is signed by Dewayne Forrest agreeing to the rules and approved
24 on the same date, 1/10/17, by signature of the duty officer, Jeremy Roberts, the Fire Chief.
25 (#INV2)

26
27 Ms. Roe explained in the accompanying email that the District's Code of Conduct for
28 Vehicle Use is the same form that the District has used for several years, and she
29 reiterated that Mr. Forrest's use of the vehicle was authorized by the Fire Chief and
30 approved by the Board. (#INV2)

31 ///

1 Information indicates that the District tapes their Board meetings and has written minutes.
2 However, the custodian of records (Board Secretary) confirmed that she listened to all
3 tapes of meetings (including one which she described as "2 hours of static") and checked
4 all meeting minutes available. She could not find evidence of the discussion concerning
5 Forrest's use of the vehicle. (#INV3)

6
7 **CONCLUSIONS:** : DeWayne Forrest was the volunteer Training Officer for the Lakeside
8 Rural Fire Protection District (District) when the events relevant to this case occurred. He
9 is a public official as defined in ORS 244.020(15), and subject to compliance with Oregon
10 Government Ethics law.

11
12 In relevant part, ORS 244.040(1) prohibits public officials from using or attempting to use
13 their official position to obtain a financial benefit or avoid a financial detriment for
14 themselves, or a relative or household member, that would not have been available but for
15 holding their official position. However, a public official is allowed to accept any element of
16 their official compensation or a reimbursement of expenses, as determined by their public
17 body. [ORS 244.040(2)]

18
19 An "official compensation package" means the wages and other benefits provided to the
20 public official. To be part of the public official's "official compensation package", the wages
21 and benefits must have been specifically approved by the public body in a formal manner,
22 such as through a union contract, an employment contract, or other adopted personnel
23 policies that apply generally to employees or other public officials. "Official compensation
24 package" also includes the direct payment of a public official's expenses by the public
25 body, in accordance with the public body's policies. [OAR 199-005-0035(3)]

26
27 Available information indicates that DeWayne Forrest's authorized use of the District's
28 vehicle extends to driving the vehicle between his home and the District offices when he is
29 called upon to conduct a training course, cover shifts, or otherwise perform his official
30 duties for the District. Mr. Forrest is an unpaid volunteer and does not have any official
31 compensation, but he is authorized to drive the District truck as directed by the Fire Chief.

1 During investigation, records of the District's adopted personnel policies and Mr. Forrest's
2 signed "Lakeside Fire Department Code of Conduct for Vehicle Use" were obtained. Mr.
3 Forrest and Fire Chief Roberts signed an acknowledgment of the Code of Conduct which
4 provided that Mr. Forrest would not use District vehicles for personal use unless authorized
5 by his duty officer. Fire Chief Roberts, Mr. Forrest's duty officer, informed the Commission
6 that he authorized Mr. Forrest to use the District truck to travel to and from his residence on
7 district business. Roberts did so pursuant to the authority provided by the Code and board
8 adopted personnel policies giving Chief Roberts wide discretion and authority in personnel
9 matters. It appears that Mr. Forrest was using the District vehicle in the manner authorized
10 by Fire Chief Roberts on the day the complainant observed Mr. Forrest fueling the vehicle
11

12 Information is insufficient to support a finding that Mr. Forrest violated Oregon Government
13 Ethics law when using the District vehicle as approved by the Fire Chief.
14

15 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should dismiss the
16 complaint. [Motion 7]
17

18 **ASSOCIATED DOCUMENTS:**

- 19 #PR1 Complaint electronically filed and signed, received on 9/12/17 from Stacy
20 Dunn.
21 #PR2 Email from Dewayne Forrest, received 10/2/17.
22 #PR3 Investigator's 10/3/17 memo summarizing contact with Jeremy Roberts.
23 #PR4 Email from Michelle Roe, District Board member and Board Secretary,
24 received 10/2/17.
25 #PR5 Investigator's 10/10/17 memo summarizing contact with District Board
26 members Michelle Roe and Michael Armstrong.
27 #INV1 Records from District custodian of records, received via email on 1/2/18.
28 #INV2 Records from District, received via email dated 12/27/17.
29 ///
30 ///
31 ///

1 #INV3 Emails from Michelle Roe, District Board member and Board Secretary,
2 received 4/14/18– 4/16/18.
3

PREPARED BY *Diane Gould* 4/18/18
Diane Gould Date
Investigator

APPROVED BY *[Signature]* 4/18/18
Ronald A. Bersin Date
Executive Director

REVIEWED BY *Amy E. Alpaugh* 4/19/18
Amy E. Alpaugh Date
Assistant Attorney General

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OREGON GOVERNMENT ETHICS COMMISSION

INVESTIGATION

CASE NO: 17-068EMT

DATE: April 30, 2018

RESPONDENT: CASTILLO, Barbara, former City of Millersburg City Administrator and Recorder

COMPLAINANT: HASSON, Steven, former Millersburg City Manager

RECOMMENDED ACTION: Make a Preliminary Finding of three (3) Violations of ORS 244.040 and three (3) Violations of ORS 244.120.

1 **SYNOPSIS:** Barbara Castillo was a City Administrator for the City of Millersburg (City)
2 when the events relevant to this case occurred. The focus of this investigation was to
3 determine if there was a preponderance of evidence to indicate that Ms. Castillo
4 committed violations of the use of office and conflict of interest provisions of ORS Chapter
5 244.

6
7 There appears to be a preponderance of evidence to indicate that Ms. Castillo, in her
8 official capacity, attempted to use her position as a public official for her own financial
9 gain, in violation of ORS 244.040.

10
11 Additionally, there appears to be a preponderance of evidence that Ms. Castillo failed to
12 comply with the conflict of interest disclosure and disposition requirements of ORS
13 244.120(1)(c) on these occasions.

14 ///

15 ///

16 ///

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

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

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

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

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

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

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

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

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

11
12 (1)(c) "If the public official is any other appointed official subject to this chapter,
13 notify in writing the person who appointed the public official to office of the nature
14 of the conflict, and request that the appointing authority dispose of the matter giving
15 rise to the conflict. Upon receipt of the request, the appointing authority shall
16 designate within a reasonable time an alternate to dispose of the matter, or shall
17 direct the official to dispose of the matter in a manner specified by the appointing
18 authority."

19
20 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated
21 a preliminary review based on information in a signed complaint, submitted on 9/26/2017,
22 from Steven Hasson, who at the time of the complaint was the City Manager for the City.
23 (#PR1) Mr. Hasson had been hired on 2/1/2017 to be the City's first City Manager. Shortly
24 after being hired, Mr. Hasson hired Sarah Cook to serve as the new City Recorder,
25 replacing Ms. Castillo. After a City audit was performed at the request of Mr. Hasson, Mr.
26 Hasson subsequently filed a complaint with the Commission regarding Ms. Castillo. Mr.
27 Hasson alleged that Ms. Castillo, former City Administrator and Recorder, may have
28 violated provisions of Oregon Government Ethics law by managing a City-owned property
29 that she occupied and approving other City expenses where she had a self-interest. The
30 Commission found cause to investigate on 11/17/2017 after considering the information
31 developed in the preliminary review.

1 The focus of the investigation was to determine if there is sufficient evidence to indicate
2 that Ms. Castillo may have violated the prohibited use of office and conflict of interest
3 provisions of Oregon Government Ethics law.

4 Ms. Castillo, along with Mr. Hasson, has been notified of the Commission actions in this
5 matter. They have been invited to provide any information that would assist the
6 Commission in conducting this investigation.

7
8 The matters being investigated in this case concern the following issues:

- 9
- 10 1) Whether Ms. Castillo, by expending city funds to improve city property that she
11 rented long-term at a substantially reduced rate used her office for her own
12 financial gain;
 - 13
 - 14 2) Whether Ms. Castillo properly followed the conflict of interest procedures when
15 she took made those expenditures;
 - 16
 - 17 3) Whether Ms. Castillo, by spending over \$4000 in city funds on her own
18 retirement party and keeping approximately \$400 worth of decorations
19 purchased for the party used her office for her own financial gain;
 - 20
 - 21 4) Whether Ms. Castillo properly followed the conflict of interest procedures when
22 she took the actions above;
 - 23
 - 24 5) Whether Ms. Castillo by issuing year-end bonuses to herself that were not
25 part of her official compensation package used her office for her own financial
26 gain;
 - 27
 - 28 6) Whether Ms. Castillo properly followed the conflict of interest procedures when
29 she took the actions above.

30 ///

31 ///

1 Tenancy Terms of City Property Rented by Ms. Castillo
2

3 Ms. Castillo furnished to the Commission copies of her "benefits and wage" summaries
4 for the years 2001 to 2016. Included in these summaries is a section pertaining to the
5 property at 3924 NE Old Salem Road in the City of Millersburg, Oregon (property); this
6 City-owned home was rented to Ms. Castillo at a reduced rate. In 2001, her monthly salary
7 was \$2,700.00 a month, and the rent on the property was increased to \$750.00 a month
8 from \$550.00 a month. She was given a \$206.00 wage increase to offset the rent
9 increase. The 2001 summary specifically states that "Rey will do all minor maintenance
10 and upkeep." "Rey," according to Ms. Castillo's statement to the Commission is her
11 husband. (#PR2)

12
13 In 2002, according to that year's benefit and wage summary, the rent was lowered to
14 \$700.00. The rent of \$700.00 a month would continue through 2015, at which time Ms.
15 Castillo's salary was \$72,342.42 annually. In 2016, Ms. Castillo entered into a temporary
16 employment contract with the City for the sum of \$72, 342.42 for the period of 7/1/2016
17 through 6/30/2017. According to the 2016 benefit and wage summary, the rent of \$700.00
18 a month would continue through 7/1/2019. (#PR2)

19
20 The approval process for Ms. Castillo's employment contracts with the City appear to
21 have been partially addressed at City Council meetings. On 7/14/2015, the City minutes
22 mention "Employee Wages." Regarding Ms. Castillo's wages, the minutes read, "Barbara
23 Castillo – 3% COLA raise retroactive back to July 1, 2015." Her unsigned benefits and
24 wage summary, with an effective date of 7/1/2015, states that she is to receive a cost of
25 living increase of 3%. (#INV2, #INV3)

26
27 On 3/8/2016, Ms. Castillo and the mayor at the time, Clayton Wood, now deceased,
28 signed her "Temporary Employment Contract" for a period of 7/1/2016 through 6/30/2017.
29 The contract states that the terms of the employment contract dated 7/12015 remain in
30 effect, unless modified, and the "current amount of rent paid for the house at 3924 Old
31 Salem Road NE "will remain the same until at least 7/01/2019." City minutes for the

1 3/8/2016 meeting state Ms. Castillo wished to retire on 7/1/2016 from the Public
2 Employees Retirement System (PERS) and remain working in her same position with the
3 City until 6/30/2017. The minutes also state that Ms. Castillo's current rent payment "will
4 remain the same until at least 7/01/2019." (#INV2, #INV3)

5
6 Ms. Castillo acknowledges that she and her husband have been living in the City-owned
7 property for 30 years. When they originally moved into the property, it was professionally
8 managed, but that would change over time. According to Ms. Castillo,

9
10 "At the time we first rented the property, it was managed by a Property
11 Management Company called Ransom & Smith and the rent for the property in
12 1987 was \$350 a month. There were also four additional rental properties at that
13 time. Joneth Lucht took over the property management for a short time from
14 Ransom & Smith. The City of Millersburg sold the other four [residential rental
15 properties in the late 1980s] and the City Council determined there was no need
16 to have a property manager for just one piece of property."

17
18 "...The amount of the rent was increased to \$700 per month over time. This
19 decision was made by the Millersburg City Council, and each year at review time,
20 the amount of the rent was discussed and approved by the council as part of my
21 employment package with knowledge that I also managed all the city's properties
22 including the city's rental house." (#PR2)

23
24 In short, the City disposed of all residential properties in the late 1980s except the one
25 being rented to Ms. Castillo. She has now rented the property for over 30 years. She
26 has paid \$700 per month for the property since 2002.

27
28 After Mr. Hasson filed his complaint with the Commission, he had a real estate broker
29 who was familiar with Millersburg real estate, Mary Hartley, provide an opinion regarding
30 the fair market monthly rent for the property. In her opinion, the property should be renting
31 for upwards of \$1,500.00 a month. (#PR1 & #PR3)

Rental Agreement

1
2
3 As part of the Commission's preliminary review, the complainant was asked to furnish a
4 copy of any rental agreement concerning the property. There is no official written rental
5 agreement. The benefits and wage summaries only address the amount of rent that Ms.
6 Castillo is to pay; however, the benefits and wage summary in 2001 is the only summary
7 that addresses that Ms. Castillo's husband was to do all minor maintenance and upkeep
8 associated with the property. Ms. Castillo acknowledges that there has never been a
9 landlord-tenant agreement between the City and her and her husband. She asserts that
10 the City had given her "implied authority" to act as the property manager for the property.
11 According to Ms. Castillo, she assumed the property management role for the property
12 just the same as she had done with all of the non-residential properties owned by the
13 City. (#PR2, #INV1)

14
15 According to Mr. Hasson, all other City "properties available for leasing purposes are
16 supported by * * * ongoing open and competitive contractual arrangements" and these
17 matters are brought before the City Council for review (#INV4). Most of these properties
18 are commercial farm land for agricultural use. For example, Council meeting minutes of
19 2/9/2016 reflect that the Council discussed and approved a lease extension for 4 parcels
20 of land totaling \$53,420.00 a year in revenue for the City. At the same meeting, the
21 Council was also apprised that another lease of farm land, at the rate of \$10,000.00 a
22 year for the City, would be expiring in 9/15/2016. Mr. Hasson asserts that since there has
23 never been a landlord / tenant agreement, as is customary with the other leases, no
24 document clarifies the duties and obligations of the landlord and the tenant. As a result,
25 Mr. Hasson submits that Ms. Castillo has assumed the property management role and,
26 at the same time, that of a tenant. Mr. Hasson states,

27
28 "The opportunity to misappropriate public monies also increases if not
29 complemented by agreements qualifying the terms and conditions of the
30 tenant/landlord relationship as well as a maintenance agreement and yet these
31 documents do not exist even though every other City property let out on an annual

1 contractual basis, is supported by an agreement approved by council. Mrs. Castillo
2 had a management obligation to assure contracts were in place to protect public
3 interest and also an obligation to safeguard public interest above personal interest.

4 ***

5 When a person serves both [in] the capacity of public landlord and tenant, and
6 knowing such situation poses [a] classic conflict of interest without the intervention
7 of a disinterested third party necessary to oversight control, such a relationship,
8 and especially one in place for 42 years has the ability to manifest into a fraudulent
9 type conduct." (#PR1)

10
11 In his response to the Commission, former City Councilor Darrin L. Lane for the years of
12 2012-2017 observed that there were a number of processes at the City that were clearly
13 in need of improvement, specifically, "rental contracts for city property, job descriptions,
14 documentation of policies." In regard to there not being a rental agreement for the
15 property, Mr. Lane writes:

16
17 "There was no rental agreement because the council never made the
18 determination that one was needed. My understanding is that the city went through
19 a series of renters in the 1980's and was faced with the decision to tear down the
20 structure if they couldn't find a responsible party to rent the house. Barbara and
21 her family agreed to move in and as a result, the city now has a valuable property
22 that has been well maintained and increased significantly in value over the years.
23 As a former councilor and current resident of the city, I feel like Barbara did the city
24 a favor by continuing to occupy the property all of these years. I know that the
25 council was not concerned in the least about the amount of the rent or any other
26 specific terms or the lack there of." (#INV1)

27 ///

28 ///

29 ///

30 ///

31 ///

1 Mr. Forrest Reid, the City Attorney since 1995, responded to the Commission regarding
2 the lack of a rental agreement for the property. According to Mr. Reid, "there was never
3 any request for there to be a written contract and the council always viewed provision of
4 [renting] the home to Barbara Castillo, at a reduced rental rate, as part of her payment
5 package for working for the [C]ity." (#INV1)

6
7 **Property Expenditures**

8
9 Following a City audit, Mr. Hasson began to look into financial transactions associated
10 with the property. He and former City Recorder Ms. Cook had discovered spending
11 practices regarding the care and maintenance of the property that they felt were
12 questionable. Several of the upkeep expenditures associated with the publicly owned
13 property appeared to be of a direct personal benefit to Ms. Castillo, according to Mr.
14 Hasson. (#PR1)

15
16 He submitted the following expenditures for the Commission's review.

17

<u>Date:</u>	<u>Description:</u>	<u>Amount:</u>
18 1/10/2013	Valance and Curtain	\$5,179.30
19 6/10/2014	Bark Dust	\$2,070.00
20 8/25/2014	Water Heater / Installation	\$1,254.51
21 10/14/2014	Repair / Change Locks	\$321.00
22 11/12/2014	New Vinyl Windows	\$2,561.00
23 7/1/2015	Paint House and Shop	\$6,500.00
24 6/21/2016	Shower Door Replacement	\$660.00
25 10/15/2016	Tree Care	\$2,395.00
26 1/5/2017	New Roof	\$5,485.00
27 1/24/2017	New Roof	\$8,200.00
28	<hr/>	<hr/>
29	Total:	\$34,625.81

30 ///
31 ///

1 Mr. Hasson was particularly concerned by Ms. Castillo's purchase of the front window
2 curtain for \$5,179.30 and this matter was mentioned during the preliminary review phase;
3 however, the Commission, by statute, may only look into matters that happened within
4 four years from the date of the original complaint. This complaint was filed with the
5 Commission on 9/26/2017. The Commission cannot consider the \$5,179.30 curtain
6 purchase on 1/10/2013 since it is beyond four years from the date of the complaint. The
7 Commission may only inquire into matters happening on or after 9/26/2013. (#PR1)

8
9 Mr. Hasson further alleged that several of the credit card expenditures for the property
10 and its maintenance did not specifically denote the purpose of the expenditure, "so there
11 is no easy tracking to assure monies spent on this residence were, in fact, spent for its
12 upkeep." Mr. Hasson writes,

13
14 "Mrs. Castillo has seen to the property's immaculate condition as evidenced by the
15 expenditure of \$17,000 for its public upkeep in 2016 alone and compensated by
16 \$8,400 in rental income. It should be noted that all other city properties are bid out
17 each year through competitive bidding process except for this one. Likewise, Mrs.
18 Castillo has relied upon the City's maintenance crew or contractors to furnish her
19 with equipment and or make repairs in addition to the subsidy." (#PR1)

20
21 Mr. Hasson specifically addressed the City's purchase of a generator. Mr. Hasson was
22 made aware that Ms. Castillo was in possession of the Mr. Hasson recalls that City staff
23 said Ms. Castillo asked the City to buy the generator and deliver it to her residence for
24 unspecified reasons.

25
26 "The generator, purchased from Home Depot, cost approximately \$1,200. When I
27 had it retrieved [last week] it was in its original, unused condition with the tags still
28 attached. I asked her why she did not return this public property after retirement,
29 keeping it instead for unknown personal use, when it was purchased for public
30 usage and she replied, "Well when you put it that way I can understand your point
31 of view." (#PR1)

1 With respect to the generator that Mr. Hasson addressed in his complaint, Ms. Castillo
2 does not dispute that she was in possession of the generator and that it had not been
3 used. According to Ms. Castillo, the reason she kept the generator at the property was
4 because the property has a basement and there is a sump pump there to keep water out
5 of the basement. However, the sump pump does not work when the power goes off. Ms.
6 Castillo says they store most things in the basement and the basement has flooded at
7 least twice over the years and creates mold and mildew. She says the generator was
8 purchased for two reasons. First, if the city staff ever needed one for whatever reason,
9 the City would have one. Second, if the power went out at the property, it could be used
10 for the sump pump. According to her, it made sense to keep the generator at the property.
11 Ms. Castillo writes,

12
13 "If and when it was needed, it would not be hard to contact me to get the generator
14 as I was always working the same time as the maintenance employees were
15 working. Having the generator available if and when the power goes off, was
16 protecting city property. Frankly, when I retired, I totally had forgotten we had it. It
17 was returned unused and still in the box as soon as it was requested." (#PR2)

18
19 As part of the investigation process, the Commission requested receipts and bills for
20 property expenses. Ms. Castillo furnished several receipts and ledger copies, as well as
21 pictures chronicling the condition of the property when she and her husband first moved
22 in, along with improvements and maintenance throughout the years. (#PR2, #INV1)

23
24 The pictures show that when Ms. Castillo and her husband moved into the property in
25 1987, the house was somewhat dated and not in the best repair. According to her,
26 numerous repairs and maintenance were done on the property, mostly by themselves,
27 with the City covering the cost of materials, except for new carpet which she and her
28 husband purchased. According to Ms. Castillo,

29
30 "I have never tried to hide any repairs to the house from anyone. The house is
31 located on Old Salem Road which is the main road through the City of Millersburg

1 and a block from city hall. Every council member and citizen drives by this house
2 on their way into Albany where they do their shopping, medical appointments, etc.
3 There is no way that repairs are hidden as even something as little as a water leak
4 requires the plumbers truck to be parked in front of the house where anyone at any
5 time can see it." (#PR2)

6
7 As Mr. Reid, the City Attorney, stated in his letter to the Commission, it was the goal of
8 the City to have a responsible tenant in the property, and to provide the City "with an
9 employee who had quick access to the City Hall. The home is located approximately 250
10 yards from the City Hall." (#INV1)

11
12 Ms. Castillo furnished pictures and receipts for various repairs and projects associated
13 with the property. Ms. Castillo submits that she would have made these improvements
14 for any other tenant. She explained that she replaced the shower door because it was 30
15 years old and was causing water damage due to leaks. She says she had new bark dust
16 put down on the landscaped areas of the property at the same time the City placed new
17 bark dust at City Hall and the City Park. Ms. Castillo also chronicles her efforts to save an
18 old elm tree that was on the property and had lost limbs due to a wind storm. Ms. Castillo
19 included pictures of the damaged tree and pictures of dead cedar trees that needed to be
20 cut down. Ms. Castillo states, "These trees were beyond either myself, or my husband's
21 capabilities to cut them down ourselves. Those trees were removed so the disease they
22 had wouldn't get into the oak tree right next to them, and also so the dead trees wouldn't
23 fall onto the shop building. I would have approved cutting down these trees no matter who
24 was renting the house." (#PR2)

25
26 Ms. Castillo explains that expenses Mr. Hasson listed in his complaint are consistent with
27 proper property management and she would have taken the action whether she was the
28 tenant or not.

29
30 On 8/25/2014, Ms. Castillo had a 30 year old water heater replaced; the cost was
31 \$1,254.51. (#PR2)

1 On 10/14/2014, Ms. Castillo hired Albany Lock & Key for \$321.00. The locks and
2 doorknobs had deteriorated and matching locks throughout the property were installed.
3 (#PR2)

4
5 On 11/12/2014, Ms. Castillo hired Smith Glass for new vinyl windows for \$2,561.00. One
6 extra-large, one piece window had a hole in it and a kitchen window was also cracked.
7 (#PR2)

8
9 On 7/1/2015, Ms. Castillo had the contractor, Norman Davis, paint the property for
10 \$6,500.00. The property had not been painted in some time and Ms. Castillo received
11 three bids. (#PR2)

12
13 On 6/21/2016, Ms. Castillo had Davis Glass replace the shower door, as explained above,
14 for \$660.00. (#PR2)

15
16 On 10/15/2015, Ms. Castillo hired Buena Vista Arbor Care for \$2,395.00 to handle issues
17 with trees on the property as explained above. (#PR2)

18
19 On 1/5/2017 and 1/24/2017, Ms. Castillo hired Orezona Bldg & Roofing for a new roof on
20 the property. The bills were for \$5,485 and \$8,200 respectively. According to Ms. Castillo,
21 the roof on the property was over 25 years old and had been leaking for a while; she
22 received several bids to replace the roof. Ms. Castillo says, "When city property is in need
23 of repair whether it is at the park, city hall, or city owned house, it is my responsibility to
24 have it repaired which I did. The amount of the contract was paid for in two checks
25 because the first one was for the down payment on it, and the second payment was for
26 the balance." (#PR2)

27

28

Approval of Expenditures

29

30 In the information that Mr. Hasson submitted to the Commission, he alleged that Ms.
31 Castillo used the City credit card – which was in her name – "freely." He states that the

1 monthly credit card payments were never put before Council for approval and there was
2 no oversight or accountability. As a result, the Council never saw the expenditures or
3 knew what had been purchased. According to Mr. Hasson, Ms. Castillo would have LeAnn
4 Chartraw, the Deputy City Recorder, prepare the check for the credit card payment and
5 Ms. Chartraw and Ms. Castillo would sign it. According to Mr. Hasson, all credit card
6 activity occurred outside of the normal accounts payable process, which requires Council
7 approval.

8
9 Mr. Hasson further contends that when the City was billed for services rendered, Ms.
10 Castillo would have Ms. Chartraw prepare a check for payment, and Ms. Chartraw and
11 Ms. Castillo would sign it. Mr. Hasson was told that the Mayor was tasked with reviewing
12 the bank statements and checks each month and signing off on them, but Mr. Hasson
13 has no evidence that the Mayor ever did this.

14
15 Ms. Chartraw, who responded to the Commission's request for information concerning
16 the complaint, had been with the City for 15 years and had worked closely with Ms.
17 Castillo throughout the years. According to her, many credit card items were paid upon
18 receipt with Ms. Castillo "serving as the gate keeper - determining what Council would
19 see and approve and what she took upon herself to pay" without Council approval. When
20 bills were actually submitted to the Council, Ms. Chartraw states they were not
21 accompanied by receipts and Council only saw the total sums of bills submitted; "Council
22 was not curious about expenditures as reflected in the Council minutes, rather they
23 trusted [Ms. Castillo] to use her good judgment at the expense of necessary Council
24 oversight." Ms. Chartraw states that Ms. Castillo did not ask Council for their approval in
25 advance on making property repairs and or improvements. (#INV5)

26
27 Ms. Chartraw explained that there was no credit card approval process involving the
28 Mayor or Council, and when credit card bills came into the City, Ms. Chartraw would write
29 the check for the statement and hand it to Ms. Castillo, along with the statement for Ms.
30 Castillo's review and signing of the check. According to Ms. Chartraw, the Mayor or
31 Council seldom approved a specific credit card expenditure. She states that on an

1 infrequent basis Council did see the credit card charges but not the corresponding
2 receipts and Council only saw the grand total of all credit card expenses. According to
3 Ms. Chartraw,

4
5 The rational[e] Barbara provided me for not having the Council review Credit Card
6 expenditures had to do with timing. Credit card payment timeframes did not
7 correspond with the once a month Council meeting and she wished to avoid late
8 charges. Yet, no effort was made to bring the Credit Card payments in sync with
9 Council meetings [adjust billing dates]." (#INV5)

10
11 Ms. Chartraw says that Sarah Cook, the former Millersburg City Recorder who was hired
12 to replace Ms. Castillo, made sure all expenditures were submitted to Council for review
13 and approval. According to her, Ms. Castillo did not agree with Sarah's action to submit
14 receipts to Council for review.

15
16 The Commission asked Ms. Cook about the process for the City to make payments
17 associated with the property. According to Ms. Cook, during her training period with Ms.
18 Castillo, who had stayed on two months after Ms. Cook started, she questioned the
19 system in place. For Ms. Cook, it was evident that Ms. Castillo "made no attempts to have
20 the due date on the credit cards changed or phone the credit card company and ask for
21 a credit of the late fee upon explanation of the governing body's approval process." Ms.
22 Cook, like Ms. Chartrow, states that the credit card bill arrived in the mail and Ms. Castillo
23 would then have a check prepared immediately, with Ms. Castillo being a co-signer on
24 those checks. Ms. Cook says that Ms. Castillo told her "it was only in the year or two past
25 that she even kept the receipts for her purchases and attached them to the credit card
26 statements." (#INV7)

27
28 In her response to the Commission during the investigation, Ms. Castillo stressed that
29 she was property manager for the City, and she was the one to determine if there was an
30 actual need for any expense to be incurred at the property. Contrary to what Ms. Chartraw
31 said about the approval process, Ms. Castillo says the expenses associated with the

1 property were approved with all of the bills of the City at the monthly Council meetings.
2 The Council was "provided with a list of the bills for their review and approval and a file
3 folder with all of the original invoices and credit card statements with all of the backup
4 documentation [were] also available at the meetings if anyone had any questions or
5 wanted to look at them." In addition, Ms. Castillo said the Council could also come into
6 City Hall at any time and review them. Ms. Castillo states,

7
8 "Credit card charges were approved along with all of the City's bills at the monthly
9 City Council meetings. They were provided on a list of the bills and the actual
10 original statements were available for inspection by the Council. The Deputy City
11 Recorder would prepare the credit card payment on a computer-generated check
12 as she did for all of the City's bills. Each check requires two signatures and we
13 would both sign the checks.

14 ***

15 On the few occasions when the vendor would require a down payment prior to or
16 right after the scheduled monthly Council meetings, the Deputy City Recorder
17 would print out the check and we would both sign them. The invoices would be
18 included on the list for approval by the City Council at their next meeting and the
19 original invoices were available for inspection and review by the City Council."
20 (#INV1)

21
22 Lisa Metz-Dittmer, who served on the City Council from 2005-2016, provided a response
23 to the Commission. According to Ms. Metz-Dittmer, during the time she served on the City
24 Council, Ms. Castillo provided the Council with a detailed list of all City bills, including
25 those for the property. Ms. Metz-Dittmer states,

26
27 At every council meeting one of the agenda topics was a review and approval of
28 the bills of the city. ... The council would have the opportunity to question the
29 purpose of the expenditure during that time prior to approving the bills of the city.
30 This process worked well and gave the council ample opportunity for review and
31 oversight." (#INV1)

1 Mr. Darrin Lane, who served on the City Council from 2012 to 2017, also provided a
2 response to the Commission. According to Mr. Lane, during Ms. Castillo's tenure, the City
3 charter called for a quasi-strong mayor form of government. The Mayor was responsible
4 for day to day approvals and delegated responsibilities to the City Administrator, Ms.
5 Castillo. The City Council met monthly and reviewed and approved all expenditures,
6 including managing City property. Mr. Lane does not recall any time Ms. Castillo taking
7 significant action without prior Council approval or at least notifying the council
8 immediately after in rare cases. Mr. Lane states,

9
10 "Any work done on the residential property, paid for by the city, was done either
11 under the direction of the council or the expenditures were approved by the council.
12 As a tenant of rental property, Barbara experienced no financial gain for the
13 maintenance or improvement of the property or dwelling. Any financial gain
14 realized belongs to the City of Millersburg." (#INV1)

15
16 As part of the investigation process, the Commission reviewed the City Council meeting
17 agendas and minutes from 1/13/2015 through 4/23/2018. From 1/13/2015 to 1/10/2017,
18 the written minutes were prepared by Ms. Castillo and conclude with, "Respectfully
19 submitted, Barbara Castillo, City Administrator / Recorder." From 1/13/2015 to 4/23/2018,
20 the City minutes reflect approval of invoices and City bills. The motions to approve
21 payment of the City's bills passed unanimously. There is nothing in the minutes to suggest
22 that there was ever any debate regarding the expenses associated with the property or
23 that expenses associated with the property were presented to the Council. However, it
24 appears all expenses approved by the City Council were approved without exception.
25 And there is nothing in the minutes to suggest that Ms. Castillo presented the expenses
26 associated with the property to the City Council or explained the nature of the bills for the
27 property. (#INV11)

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Retirement Party

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According to Mr. Hasson's complaint, when he began his position as City Manager, he told his staff that he was to be apprised of "any large or questionable financial transactions." Among the duties outlined in his City Manager contract was a provision to authorize directly or through staff, budget transfers, expenditures and purchases. He was informed by Ms. Castillo that the City was going to have a retirement party for her. Mr. Hasson states,

"I advised Barbara Castillo that all contracts of any value need to be initiated through a competitive bidding process. Additionally, I was to be apprised of any expenditures of financial significance. I was aware that there would be a retirement party for Barbara Castillo and she described it as a potluck where individuals would bring dishes. I was unaware that a caterer had been hired. I am not aware that she solicited for catering services and noting there are any number of persons who provided this type of service in the Albany area. I was shocked when I saw retirement party expenses exceeding \$4,000 and contrary to the financial control directives I had provided Barbara and later Sarah Cook. (#PR1, #INV4)

Mr. Hasson says that Ms. Castillo spent roughly \$400.00 for the event's party decorations and, after the party was over, took the decorations home. Mr. Hasson says that no one provided her permission to take these items, and according to him, the disbursing of public property of any financial significance would have required the items to go through the City surplus process. Mr. Hasson notes that the City does initiate parties from time-to-time, but the associated party decorations are stored at City Hall. Mr. Hasson concludes that receipts for the purchases Ms. Castillo made for her party "came after she had retired." (#INV4)

Ms. Cook informs the Commission that Ms. Castillo put many of the purchases of décor type items for her beach themed party on the City credit cards. Ms. Cook states,

1 "She took all party decorations and any remaining food from the caterer home with
2 her. I fully expected to come to work the following morning to clean up and when I
3 arrived, everything was gone and the room was put back to normal. I inquired with
4 the City Manager (Steve Hasson) about where everything was stored and he was
5 very surprised to learn that everything she took had been purchased by the City
6 and should have stayed with the City." (#INV7)

7
8 Ms. Castillo, in her response to the Commission, states that she was given permission to
9 plan her retirement party and to pay for it through City funds. According to her, she had a
10 conversation with Mayor Jim Lepin and she asked him if she could have the same type
11 of party as the City had just hosted for the former Mayor. According to her, there were no
12 restrictions placed on her regarding the amount that could be spent on the party. Ms.
13 Castillo states,

14
15 "The decorations purchased at Hobby Lobby were paid for with a City credit card
16 as were the tablecloths rented from The Party Store. Those receipts were given to
17 the City Recorder prior to the party. The City received an invoice from Jacopetti's
18 Catering and was paid for by a City check after I retired." (#INV1)

19
20 Ms. Castillo admits that she did take the decorations home after the party, and she also
21 took part of the leftovers from the food home and left some of them in the refrigerator at
22 City Hall for staff to have the next day. Ms. Castillo relates that all the City employees had
23 left before the party was over, and she and her friends and family were left to disassemble
24 everything. The decorations were put in a box so she could take them home. She had
25 asked Mayor Lepin if he wanted her to return the decorations to City Hall; he told her
26 there was no room for them and she could take them. (#INV1)

27
28 In May of 2017, Mayor Lepin says he met with Mr. Hasson and Ms. Cook, both new in
29 their positions, regarding the planning of a retirement party for Castillo. "Since both
30 Steven and Sarah were new employees, I volunteered to work with Barbara to help plan
31 the retirement event, celebrating her 42 years of service," Mayor Lepin writes. The event

1 was planned to match the previous retirement party for the former Mayor. According to
2 Mayor Lepin, he asked Mr. Hasson and Ms. Cook to work with Ms. Castillo to make sure
3 the costs were covered; Mayor Lepin did not realize until recently “that the financial
4 support was not coordinated by Steven Hasson as I requested him to do.” (#INV1)

5
6 In his response to the Commission, Mr. Lane states that the City Council approved all the
7 expenses related to Ms. Castillo’s retirement party. Mr. Lane, who had attended Ms.
8 Castillo’s retirement party, found that “the celebration of Barbara's long career with the
9 City was consistent with other similar events in scale and expense.” (#INV1)

10
11 City Year-End Bonuses

12
13 Mr. Hasson alleged in his initial complaint that Ms. Castillo handed out several thousand
14 dollars in cash bonuses to City staff, City Council members and Planning Commission
15 members in 2015 and 2016. According to Mr. Hasson,

16
17 “There is no written policy, nor declarations of it on annual statements of economic
18 interest forms, which are due to the ethics commission by April 15. The City’s
19 charter, Mrs. Castillo oversaw, advises any form of Council compensation required
20 an ordinance to manifest the financial promulgation, yet no such document exists.”
21 (#PR1, #INV4)

22
23 Mr. Hasson further alleged that the Fred Meyer gift cards and Visa cards were purchased
24 with the City’s credit card and that Ms. Castillo used her Fred Meyer Reward Card so she
25 could capitalize on the Rewards Points received from the gift purchases for personal use.
26 He states that she used the City credit card without prior purchase approval and there
27 were no written policies that allowed for this. In 2014, 2015 and 2016, Ms. Castillo had
28 awarded \$9,800 total in cash bonuses to City Council members, Planning Commission
29 members, herself and other City employees. (#PR1, #INV4, #INV8)

30 ///

31 ///

1 The following is a breakdown of the amount of gifts from the 2014, 2015, and 2016
2 receipts and spreadsheets submitted by Mr. Hasson and Ms. Castillo. (#PR1, #INV10)

3
4 City of Millersburg: 2014 Christmas Gifts

5
6 Planning Commissioners and City Council: \$1,950, Fred Meyer gift cards
7 City Staff: \$1,050 in the form of checks, Ms. Castillo received \$350.00

8
9 City of Millersburg: 2015 Christmas Gifts

10
11 Planning Commissioners: \$750.00, Fred Meyer gift cards
12 City Council: \$1,500, Fred Meyer gift cards
13 City Staff: \$1,050 in the form of checks, Ms. Castillo received \$300.00

14
15 City of Millersburg: 2016 Christmas Gifts

16
17 Planning Commissioners: \$800.00, Visa gift cards
18 City Council: \$1,500, Visa gift cards
19 City Staff: \$1,200 in the form of checks, Ms. Castillo received \$300.00

20
21 According to Ms. Chartraw, Ms. Castillo determined the amount of the gift and she did not
22 want the recipients to know the amount in advance "because it was intended as a
23 surprise. It was a gift from her on behalf of the City and she took pleasure in this gifting
24 effort." Ms. Chartraw, like Mr. Hasson, noted that there is no authority for these gifts in
25 the City Charter. The procedure was that Ms. Castillo chose the amount and had Ms.
26 Chartraw draw up the checks Ms. Castillo would then sign the checks, including a card,
27 and then have Ms. Chartraw co-sign the check. (#INV5)

28
29 Ms. Castillo states that the Christmas gifts originally started out as small gifts such as a
30 box of chocolates or a tin of popcorn to the City Council, Planning Commission members
31 and staff just before Christmas. According to Ms. Castillo, "The President of the Council

1 and others thought this would be a good idea because except for staff, they don't get paid
2 for any of the time they give to the citizens. He also thought that staff should be included."
3 Eventually, the gifts evolved into gift cards to various places, like Fred Meyers, the
4 Heritage Mall, Costco, Visa cards or a check. As Ms. Castillo states,

5
6 "This has always been documented and both the City Council, Planning
7 Commission, City Staff and City Auditors have been aware of it, and the City
8 Council has approved the expenditures when the bills were approved each month.
9 Mr. Hasson is correct in that there is no written policy on this except perhaps the
10 spread sheet that is put in a file labeled Christmas gifts each year." (#PR2)

11
12 Ms. Castillo states to the Commission that the amount of the gift was determined by the
13 number of meetings someone had attended. If someone attended all of the meetings, he
14 or she would receive the full amount, but if they missed meetings, they would not receive
15 the full amount. The full amount for Planning Commission members in 2015 and 2016
16 was \$100.00; the full amount for City Council members was \$300.00. The reasoning was
17 that City Council members went to more meetings than Planning Commission members.
18 These same amounts have been given for several years, but Ms. Castillo does not recall
19 how the amount was first determined. (#INV1)

20
21 Ms. Castillo does not dispute Ms. Chartraw's description of how the gifts to City staff were
22 given. Ms. Castillo admits that she was a cosigner on the checks, along with Ms. Chartraw
23 and believes she had been given express authority to sign off on a check intended for her
24 since she was an authorized signer for all checks. (#INV1)

25
26 Regarding Mr. Hasson's additional allegation that Ms. Castillo accumulated Rewards
27 Points when she used her Fred Meyer Rewards card to make the gift card purchases,
28 Ms. Castillo submitted a copy of the Fred Meyer Rewards Terms and Conditions. This
29 document is also available online. Under the section "Accumulating Rewards Points,"
30 specifically excluded from being purchases that accumulate points is the purchase of a
31 Fred Meyer gift card and a Visa / MasterCard gift card.

1 **CONCLUSIONS:** Barbara Castillo, former City Administrator and Recorder for the City
2 of Millersburg, was a public official as defined in ORS 244.020(15), subject to Oregon
3 Government Ethics law, during the period relevant to this investigation.

4
5 The Oregon Government Ethics Commission has no authority over how public bodies,
6 both at the state and local level, spend their money. It is, however, the duty of the public
7 body to clearly define what constitutes an employee's authority and compensation. In
8 order to provide transparency, reduce confusion, and protect employees from inadvertent
9 or perceived violations of Oregon Government Ethics law, public bodies, such as the City
10 of Millersburg, should develop and adopt, explicit written policies and written rules in the
11 aforementioned areas. There has been no evidence submitted to the Commission that
12 this is the case regarding Ms. Castillo's management of the property.

13
14 As part of the investigation process, the Commission asked for evidence from both the
15 complainant and the respondent. Each was given the opportunity to provide information
16 they felt was relevant. Statements were also obtained from former coworkers of Ms.
17 Castillo, past City Council members, the current Mayor and City Counsel. The statements
18 of LeAnn Chartraw, the Deputy City Recorder who worked closely with Ms. Castillo for 15
19 years processing City payments were particularly revealing concerning how the City
20 approved expenditures.

21 22 **Property Management / Approval of Expenses**

23
24 ORS 244.040(1) prohibits a public official from using or attempting to use their official
25 position to obtain a financial benefit or avoid a financial detriment for themselves, a
26 relative or household member, or a business with which they or a relative or household
27 member are associated, if the financial benefit would not otherwise be available to them
28 but for holding their official position.

29
30 The evidence obtained during the preliminary review and the investigation reveals that
31 Ms. Castillo, as part of her official compensation package, was allowed to rent the

1 property at a substantially reduced rate. Ms. Castillo first moved into the house in 1987
2 and has rented the house from the City ever since. She has paid \$700.00 since 2001 and
3 may continue to rent the property at that rate at least through 7/01/2019 according to her
4 employment contract with the City. Mr. Hasson submitted evidence alleging that the
5 current market value of the rental is at least \$1500.00 per month. Ms. Castillo's rental of
6 the property at a substantially reduced rate does not violate ORS 244.040, because the
7 reduced rate rental is part of her official compensation package as defined in OAR 199-
8 005-0035(3).

9
10 However, moneys to improve the property are not part of Ms. Castillo's compensation
11 package. Rather, those expenditures were made by Ms. Castillo in her capacity as City
12 Recorder/Administrator. Ms. Castillo furnished the Commission with several photographs
13 taken of the property throughout her tenancy. The property was in a state of disrepair
14 when Ms. Castillo moved in. Over the years, Ms. Castillo has made numerous City-paid
15 improvements to the property. One City Councilor explained that the value of the property
16 has increased substantially due to these improvements and that the City now has a
17 valuable, well-maintained property. As discussed, Mr. Hasson obtained a professional
18 estimate that concluded that the fair monthly rent for the property should be upwards of
19 \$1,500.00 a month, more than double what Ms. Castillo is currently paying and what she
20 will pay through 7/01/2019.

21
22 Throughout the years, Ms. Castillo has made the decision to improve the property that
23 she and her husband rented as a reduced rate, ultimately submitting the bills or invoices
24 to the City, and in many instances, paying these bills ahead of Council approval. As noted
25 above, these improvements substantially increased the value of the rental. With every
26 improvement Ms. Castillo made to the property, the locked-in rent of \$700.00 per month
27 became an even better bargain.

28
29 In addition, Ms. Castillo asked the City to buy a generator to "use for whatever" and for
30 the property because a sump pump, intended to keep water out of the basement, would
31 not operate without electricity. Ms. Castillo stated to the Commission that she stores

1 personal effects in the basement and the basement has flooded twice since they moved
2 into the property in 1987. Ms. Castillo wanted to keep the generator at the property in
3 case the power went off. She continued to keep the generator in the rental property after
4 her retirement.

5
6 By serving as both the tenant and the manager of the property for the City, Ms. Castillo
7 has improved her personal position as a tenant by turning a home that needed repair into
8 a City-owned rental property that could easily rent for twice the amount she is paying. To
9 date, Ms. Castillo, rather than the City, has reaped the benefits of these improvements
10 funded by the City. Although she continues to rent the home for \$700 a month she has
11 continually decided in her capacity as a public official to spend City funds to make the
12 rental more valuable. By increasing the value of her rent subsidy Ms. Castillo appears to
13 have used her position as a public official to realize a financial gain. In addition, Ms.
14 Castillo appears to have made or recommended purchases in her official capacity that do
15 not appear to be purchases that would have been made for the ordinary tenant. For
16 example, the City purchased a \$1200 generator for use at the property because the
17 basement had flooded twice in 30 years. . In doing so, Ms. Castillo appears to have
18 avoided the financial detriment of purchasing her own generator. But for her position as
19 both the tenant and manager of the property for the City, Ms. Castillo would not have had
20 the opportunity to improve the property at her discretion and make such purchases. By
21 realizing a financial gain and avoiding a financial detriment, Ms. Castillo appears to have
22 violated ORS 244.040.

23
24 The above mentioned use of office violation also appears to be conflict of interest
25 violation.

26
27 An actual conflict of interest means any action or any decision or recommendation by a
28 person acting in a capacity as a public official, the effect of which would be to the private
29 pecuniary benefit or detriment of the person. ORS 244.020(1)

30 ///

31 ///

1 A potential conflict of interest means any action or any decision or recommendation by a
2 person acting in a capacity as a public official, the effect of which could be to the private
3 pecuniary benefit or detriment of the person. ORS 244.020(13)

4
5 ORS 244.120(1)(c) states that if the public official is any other appointed official subject
6 to this chapter, the public official must notify in writing the person who appointed the public
7 official to office of the nature of the conflict, and request that the appointing authority
8 dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing
9 authority shall designate within a reasonable time an alternate to dispose of the matter,
10 or shall direct the official to dispose of the matter in a manner specified by the appointing
11 authority.

12
13 Each time Ms. Castillo made a decision to spend City funds on her rental, she was
14 presented with a conflict of interest. She also appears to have exercised broad discretion
15 over the expenditures she made, particularly on the City credit card. Ms. Castillo did not
16 notify the City Council, her appointing authority, on each occasion of the nature of the
17 conflict and ask the appointing authority to dispose of the matter. Instead, she handled
18 the decisions regarding expenditures on the property on her own, signed checks paying
19 for those expenditures and in many instances obtained Council approval only after the
20 fact and without detailed documentation of the purchases.

21
22 **Retirement Party**

23
24 Mr. Hasson, in his complaint to the Commission, alleged that he told City staff that he was
25 to be apprised of "any large or questionable financial transactions." He was informed by
26 Ms. Castillo that the City was going to have a retirement party for her. Ms. Castillo, in turn,
27 planned and paid for her retirement party, which Mr. Hasson reports cost the City over
28 \$4000, including the purchase of \$400.00 worth of decorations that she took home for her
29 personal use. The credit card bills and invoices were approved after Ms. Castillo had left
30 her employment with the City. This is not disputed by either the respondent or the
31 complainant.

1 Ms. Castillo used her official position as the City Administrator in purchasing the
2 decorations for her retirement party. She in turn kept them for her personal use. A public
3 official is prohibited from using their office for their own financial gain. But for Ms. Castillo's
4 official position with the City, this financial benefit would not otherwise be available to her.
5 Ms. Castillo keeping the decorations after they were purchased with City funds is a
6 violation of ORS 244.040.

7
8 The above mentioned use of office violation also appears to be a conflict of interest
9 violation. A public official is presented with a conflict of interest when taking any action or
10 making any decision or recommendation in a capacity as a public official, the effect of
11 which would be to the private pecuniary benefit or detriment of the person. Ms. Castillo
12 taking the decorations for her own personal use was a conflict of interest since the
13 decorations, purchased with City funds, belonged to the City, not Ms. Castillo. Ms. Castillo
14 recognized a private pecuniary benefit by taking the decorations.

15
16 ORS 244.120(1)(c) states when a public official, such as someone in Ms. Castillo's
17 position, is presented with a conflict of interest, he or she must notify in writing the person
18 who appointed the public official to office of the nature of the conflict, and request that the
19 appointing authority dispose of the matter giving rise to the conflict. There is no evidence
20 that Ms. Castillo complied with ORS 244.120(1)(c) to properly dispose of her conflict of
21 interest.

22 23 City Year-End Bonuses

24
25 Mr. Hasson alleged in his initial complaint that Ms. Castillo handed out several thousand
26 dollars in cash bonuses to City staff, City Council members and Planning Commission
27 members in 2015 and 2016. Ms. Castillo does not dispute this allegation and admits to
28 being involved in the issuing of these gifts. Ms. Castillo, at the request of the Commission,
29 provided additional financial information regarding the gifts in 2014. There is no written
30 City policy or authority that allows Ms. Castillo, along with other City workers, Planning
31 Commission members and City Council members to receive a monetary Christmas gift

1 from the City. It is clear that it is not part of Ms. Castillo's compensation package as it is
2 not referenced in any of the summaries of her benefits and wages. In issuing herself a
3 gift each year, Ms. Castillo would have Ms. Chartraw draft a check payable to Ms. Castillo,
4 Ms. Chartraw would then sign the check and Ms. Castillo would provide the second,
5 required signature.

6
7 The Commission has evidence that these gifts were created and received by Ms. Castillo
8 in 2014, 2015, and 2016. Each time Ms. Castillo had a check issued to herself, and
9 provided the required second signature for that check, a violation of Ethics law occurred.
10 However, I recommend that these instances be treated as only one violation.

11
12 A public official is prohibited from using their office for their own financial gain. But for Ms.
13 Castillo's official position with the City, this financial benefit would not otherwise be
14 available to her. Ms. Castillo was using her position as a public official to direct that City
15 funds, in absence of any written City authority allowing such payment, be paid directly to
16 her.

17
18 Additionally, the above mentioned use of office violation appears to be a conflict of interest
19 violation, as well. Ms. Castillo's actions in deciding to make a gift to herself, directing a
20 check to be prepared made out to her and signing the check presented an actual conflict
21 of interest. ORS 244.120(1)(c) states when a public official, such as someone in Ms.
22 Castillo's position, is presented with a conflict of interest, she must notify in writing the
23 person who appointed the public official to office of the nature of the conflict, and request
24 that the appointing authority dispose of the matter giving rise to the conflict. There is no
25 evidence that Ms. Castillo complied with ORS 244.120(1)(c) to properly dispose of her
26 conflict of interest.

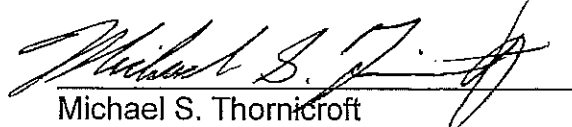
27
28 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should make a
29 preliminary finding that Barbara Castillo committed three (3) violations of ORS
30 244.120(1)(c) and three (3) violations of ORS 244.040(1). [Motion 10]

31 ///

1 **ASSOCIATED DOCUMENTS:**

- 2 #PR1 Complaint submitted by Steven Hasson, received on 9/26/2017.
3 #PR2 Response from Barbara Castillo, received on 10/4/2016.
4 #PR3 Email providing additional information and clarification of allegations
5 submitted by Steven Hasson at Commission's request; received on
6 10/12/2017.
7 #INV1 City of Millersburg Benefits and Wage Summaries for Barbara Castillo
8 submitted by Ms. Castillo on 10/4/2017.
9 #INV2 Ms. Castillo's response to the Commission for more information, received
10 on 10/4/2016.
11 #INV3 City of Millersburg City Council meeting minutes.
12 #INV4 Updated response from Steve Hasson, received on 4/23/2018.
13 #INV5 Response from LeAnn Chartaw, former Deputy City Recorder, City of
14 Millersburg, received on 4/23/2018.
15 #INV6 Additional Response from Steve Hasson / LeAnn Chartraw, received on
16 4/24/2018.
17 #INV7 Response from Sarah Cook, former City Recorder for City of Millersburg,
18 received on 4/24/2018.
19 #INV8 City of Millersburg Christmas Gifts for 2015 and 2016.
20 #INV9 Fred Meyer Card, Rewards Terms and Conditions.
21 #INV10 City of Millersburg Christmas Gifts for 2014.
22 #INV11 Hasson's additional statement to the Commission, received on 4/28/2018.
23 #INV12 Castillo's additional statement to the Commission, received on 4/30/2018.

PREPARED BY


Michael S. Thornicroft
Investigator


5-3-2018
Date

APPROVED BY


Ronald A. Bersin
Executive Director

5/3/2018
Date

REVIEWED BY


Amy E. Alpaugh
Assistant Attorney General

5/3/2018
Date

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(

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OREGON GOVERNMENT ETHICS COMMISSION
INVESTIGATION

CASE NO: 17-070EDG

DATE: May 3, 2018

RESPONDENT: VONDOLOSKI, Joseph, Former Executive Director, LOGOS Public Charter School

COMPLAINANT: PAUCK, Thaddeus

RECOMMENDED ACTION: Make a Preliminary Finding of 11 Violations of ORS 244.040 and 11 violations of ORS 244.120(1)(c)

1 **SYNOPSIS:** Joseph Vondoloski was the executive director or former executive director of
2 LOGOS public charter school when the events relevant to this investigation occurred. The
3 focus of this investigation was to determine if there was a preponderance of evidence to
4 indicate that Mr. Vondoloski may have violated the following provisions of Oregon
5 Government Ethics law: conflict of interest, prohibited use of office, and the prohibition on
6 a former public official financially benefitting from a public contract that he participated in
7 authorizing.

8
9 Mr. Vondoloski owns a private for-profit business, Western Collegiate Consulting, LLC,
10 which is a professional employer organization that leases employees to other businesses,
11 especially charter schools. In his official capacity as the LOGOS executive director, Mr.
12 Vondoloski recommended to the Board of Directors in May of 2017, that LOGOS public
13 charter school should contract with a professional employer organization rather than
14 employ teachers and other staff directly, to save money. LOGOS Board members
15 published a Request for Proposals (RFP) to solicit bids for this service.

1 Although Mr. Vondoloski was not part of the actual RFP process, other than as a responder
2 to the RFP on behalf of his private company, information indicates that there were eleven
3 instances when Mr. Vondoloski used LOGOS resources such as email, employee time,
4 records, and other resources to conduct the business of his private company, in violation of
5 ORS 244.04, which prohibits Mr. Vondoloski from using or attempting to use his public
6 position to obtain a financial benefit for his business that would not have been available but
7 for holding his position with LOGOS. Because Mr. Vondoloski did not comply with the
8 conflict of interest disclosure and disposition requirements prior to taking these actions on
9 eleven occasions, they also constitute violations of ORS 244.120(1)(c).

10
11 Mr. Vondoloski resigned on 6/26/17 as executive director of LOGOS, the day before the
12 deadline for submission of proposals under the RFP. Mr. Vondoloski's company was
13 awarded the LOGOS contract. Although a former public official is prohibited by ORS
14 244.047 from benefitting financially from a public contract that he participated in
15 authorizing, evidence is insufficient to find that Mr. Vondoloski violated this provision.

16
17 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
18 issues addressed herein:

19
20 **244.020 "Definitions.** As used in this chapter, unless the context requires
21 otherwise:

22
23 244.020(1) 'Actual conflict of interest' means any action or any decision or
24 recommendation by a person acting in a capacity as a public official, the effect of
25 which would be to the private pecuniary benefit or detriment of the person or the
26 person's relative or any business with which the person or a relative of the person is
27 associated unless the pecuniary benefit or detriment arises out of circumstances
28 described in subsection (13) of this section."

29
30 244.020(2) "'Business' means any corporation, partnership, proprietorship, firm,
31 enterprise, franchise, association, organization, self-employed individual and any

1 other legal entity operated for economic gain but excluding any income-producing
2 not-for-profit corporation that is tax exempt under section 501(c) of the Internal
3 Revenue Code with which a public official or a relative of the public official is
4 associated only as a member or board director or in a nonremunerative capacity.”
5

6 244.020(3) “Business with which the person is associated’ means:
7

8 (a) “Any private business or closely held corporation of which the person or
9 the person’s relative is a director, officer, owner or employee, or agent or any
10 private business or closely held corporation in which the person or the
11 person’s relative owns or has owned stock, another form of equity interest,
12 stock options or debt instruments worth \$1,000 or more at any point in the
13 preceding year; ...”
14

15 244.020(13) “Potential conflict of interest’ means any action or any decision or
16 recommendation by a person acting in a capacity as a public official, the effect of
17 which could be to the private pecuniary benefit or detriment of the person or the
18 person’s relative, or a business with which the person or the person’s relative is
19 associated, unless the pecuniary benefit or detriment arises out of the following.”
20

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

24 (b) Any action in the person’s official capacity which would affect to the same
25 degree a class consisting of all inhabitants of the state, or a smaller class
26 consisting of an industry, occupation or other group including one of which or
27 in which the person, or the person’s relative or business with which the
28 person or the person’s relative is associated, is a member or is engaged....”
29

30 244.020 (15) “Public official’ means the First Partner and any person who, when an
31 alleged violation of this chapter occurs, is serving the State of Oregon or any of its

1 political subdivisions or any other public body as defined in ORS 174.109 as an
2 elected official, appointed official, employee or agent, irrespective of whether the
3 person is compensated for the services.”

4
5 **244.040 “Prohibited use of official position or office; exceptions; other**
6 **prohibited actions.** (1) Except as provided in subsection (2) of this section, a
7 public official may not use or attempt to use official position or office to obtain
8 financial gain or avoidance of financial detriment for the public official, a relative or
9 member of the household of the public official, or any business with which the public
10 official or a relative or member of the household of the public official is associated, if
11 the financial gain or avoidance of financial detriment would not otherwise be
12 available but for the public official’s holding of the official position or office.”

13
14 244.040(4) “A public official may not attempt to further or further the personal gain
15 of the public official through the use of confidential information gained in the course
16 of or by reason of holding position as a public official or activities of the public
17 official.”

18 244.040 (5) “A person who has ceased to be a public official may not attempt to
19 further or further the gain of any person through the use of confidential information
20 gained in the course of or by reason of holding position as a public official or the
21 activities of the person as a public official.”

22 244.040(7) “The provisions of this section apply regardless of whether actual
23 conflicts of interest or potential conflicts of interest are announced or disclosed
24 under ORS 244.120.”

25
26 **244.047 “Financial interest in public contract.** (1) As used in this section:

27 (a) ‘Public body’ has the meaning given that term in ORS 174.109.

28 (b) ‘Public contract’ has the meaning given that term in ORS 279A.010.

29 (2) Except as provided in subsection (4) of this section, a person who ceases to
30 hold a position as a public official may not have a direct beneficial financial interest

1 in a public contract described in subsection (3) of this section for two years after the
2 date the contract was authorized.

3 (3) Subsection (2) of this section applies to a public contract that was authorized by:

4 (a) The person acting in the capacity of a public official; or

5 (b) A board, commission, council, bureau, committee or other governing
6 body of a public body of which the person was a member when the contract
7 was authorized.

8 (4) Subsection (2) of this section does not apply to a person who was a member of
9 a board, commission, council, bureau, committee or other governing body of a
10 public body when the contract was authorized, but who did not participate in the
11 authorization of the contract.”

12
13 **244.120 “Methods of handling conflicts; Legislative Assembly; judges;**
14 **appointed officials; other elected officials or members of boards.** (1) Except as
15 provided in subsection (2) of this section, when met with an actual or potential
16 conflict of interest, a public official shall:

17 (a) If the public official is a member of the Legislative Assembly, announce publicly,
18 pursuant to the rules of the house of which the public official is a member, the
19 nature of the conflict before taking any action thereon in the capacity of a public
20 official.

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

23 (c) If the public official is any other appointed official subjected to this chapter, notify
24 in writing the person who appointed the public official to office of the nature of their
25 conflict, and request that the appointing authority dispose of the matter giving rise to
26 the conflict. Upon receipt of the request, the appointing authority shall designate
27 within a reasonable time an alternate to dispose of the matter, or shall direct the
28 official to dispose of the matter in a manner specified by the appointing authority.”

29
30 **244.130 “Recording of notice of conflict; effect of failure to disclose conflict.**

31 (1) When a public official gives notice of an actual or potential conflict of interest,

1 the public body as defined in ORS 174.109 that the public official serves shall
2 record the actual or potential conflict in the official records of the public body. In
3 addition, a notice of the actual or potential conflict and how it was disposed of may
4 in the discretion of the public body be provided to the Oregon Government Ethics
5 Commission within a reasonable period of time.

6 (2) A decision or action of any public official or any board or commission on which
7 the public official serves or agency by which the public official is employed may not
8 be voided by any court solely by reason of the failure of the public official to disclose
9 an actual or potential conflict of interest.”

10
11 **OAR 199-005-0035(6)** “As used in ORS 244.047, a public contract is ‘authorized by’
12 a public official if the public official performed a significant role in the selection of a
13 contractor or the execution of the contract. A significant role can include
14 recommending approval or signing of the contract, including serving on the selection
15 committee or team, or having the final authorizing authority for the contract.”

16
17 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated a
18 preliminary review based on information in a signed complaint from Thaddeus Pauck on
19 9/28/17. Mr. Pauck provided additional information on 10/5/17 via email. Both the original
20 complaint and additional information were provided to the respondent. (#PR1 and 1a). Mr.
21 Pauck alleged that Joseph Vondoloski, the former Executive Director of LOGS public
22 charter school, may have violated Oregon Government Ethics law. The Commission found
23 cause to investigate on 11/17/17 after considering the information developed in the
24 preliminary review. The focus of the investigation was to determine if there is sufficient
25 evidence to indicate that Joseph Vondoloski failed to comply with Oregon Government
26 Ethics law by 1) using or attempting to use his official position to obtain a prohibited
27 financial benefit for himself or his business; 2) financially benefitting from a public contract
28 that he had a role in authorizing while a public official; and 3) failing to comply with the
29 conflict of interest provisions. Joseph Vondoloski and Thaddeus Pauck have been notified
30 of the Commission actions in this matter. Both have been invited to provide any
31 information that would assist the Commission in conducting this investigation.

1 BACKGROUND

2 As required by Oregon law, a public charter school must be sponsored by a School District
3 and must also be a non-profit organization. Medford School District (District) sponsors
4 several charter schools, and as sponsor, retains some operational oversight. However,
5 each charter school is a separate nonprofit entity with their own governing boards,
6 employees, teachers, etc. Charter school personnel and board members are public
7 officials for purposes of compliance with Oregon Government Ethics law. (#PR1)

8
9 The LOGOS Public Charter School (LOGOS) is sponsored by the District and was
10 incorporated as a nonprofit, public benefit corporation on 1/7/10. The initial registered agent
11 was John Vondoloski (brother of Respondent) and the "incorporators and initial directors"
12 included both John Vondoloski of Medford and Joseph Vondoloski, then of Mt. Pleasant,
13 Michigan. The 12/6/16 business registration for LOGOS shows that the registered agent
14 and president of the school was Joseph Vondoloski. Information indicates that Joseph
15 Vondoloski, succeeded his brother, John, who was the original executive director of
16 LOGOS. Joe Vondoloski (Respondent) served as executive director until 6/26/17, when he
17 resigned his position at LOGOS. (#PR1, #PR2)

18
19 LOGOS serves both home-schooled children and in-person students at the LOGOS site.
20 The enrollment at LOGOS was 970 students as of 7/10/17. Public charter schools are
21 funded by state taxes in the same way as other public schools, with specific amounts
22 allocated per student. (#INV5 and #INV18)

23
24 The Oregon Secretary of State's business registry shows that Western Collegiate
25 Consulting, LLC, filed their articles of organization on 10/28/15 and the registered agent
26 was Joseph Vondoloski. The LLC was administratively dissolved the following year for
27 failure to file an annual report. Its registration was reinstated as of 4/18/17 by Joseph
28 Vondoloski, who signed as CEO. According to the LLC's 9/14/17 amended annual report
29 filing, Joseph Vondoloski is the registered agent, CEO, and sole member of Western
30 Collegiate Consulting, LLC (WCC). (#PR2)

31 ///

1 THE COMPLAINT

2 The complainant is an attorney for Brophy Schmor, LLP, legal counsel for the Medford
3 School District. The complaint is excerpted below:
4

5 "...Western Collegiate Consulting is apparently engaged in the business of
6 providing teachers, administrators and other staff to charter schools pursuant to
7 agreements whereby the charter school contracts with Western Collegiate to supply
8 its personnel, pays Western a fee, and then Western Collegiate is the actual
9 employer of the personnel and is responsible for paying the salary and benefits of
10 the personnel. The perceived benefit to the charter school is that because it is not
11 the employer of the personnel providing the services in the school, and because the
12 actual employer (in this case, Western Collegiate) is not a government entity, the
13 personnel are not entitled to receive PERS benefits, which in theory would save the
14 charter school from having to pay the cost of those benefits."
15

16 "In August of 2017, the [Medford School] District's human resources department
17 began receiving requests from prospective teachers at Bridge Charter Academy, a
18 nonprofit that operates charter schools in Bend, Oregon and Lowell, Oregon,
19 seeking to have the District process the background checks required to be
20 conducted before a teacher can be hired. Because the District is not a sponsor of
21 Bridge Charter Academy, there was confusion as to why these requests were being
22 directed to the District. When the District inquired of the prospective teachers why
23 they were contacting the District to process the background checks, they were told
24 that a person named Cassie Zimmerer had directed them to do so and to have the
25 District pass the costs along to LOGOS. At the time, Cassie Zimmerer was known
26 by the District to be the human resources director for LOGOS...."
27

28 "...The Executive Director of the Lowell campus of Bridge Charter Academy is John
29 Vondoloski, whom the District believes to be Joe Vondoloski's brother. It is the
30 District's understanding that Bridge Charter Academy has contracted with Western
31 Collegiate Consulting to supply at least some of the charter school's staff, and that

1 the persons who were contacting the District for their background checks were to be
2 employed by Western Collegiate Consulting.”
3

4 “Although the Bridge Charter Academy teachers are neither hired by LOGOS nor
5 provide any services for the benefit of LOGOS, they are being instructed,
6 presumably by Western Collegiate Consulting, to obtain their background checks
7 through the District and the instructions that they are being given are provided on
8 LOGOS letterhead....”
9

10 “...Joe Vondoloski is currently the CEO of Western Collegiate Consulting.”
11

12 “During Joe Vondoloski’s tenure as Executive Director of LOGOS, the LOGOS
13 board considered the possibility of ‘contracting out’ for staffing services, including
14 but not limited to teachers. By not later than May of 2017, while Joe Vondoloski
15 was still the Executive Director, the LOGOS board revisited this idea and formed a
16 committee to prepare and publish a Request for Proposals for staffing services.
17 The RFP was publicly advertised on or about May 30, 2017 and required interested
18 proposers to submit a ‘letter of intent’ to submit a bid by not later than June 9, 2017.
19 Proposals were to be received by not later than June 27, and a contract was to be
20 awarded on July 10. It is the District’s understanding that Joe Vondoloski continued
21 in his position as the Executive Director of LOGOS from the beginning of the RFP
22 process through June 26, the day before the proposals were due....”
23

24 “It is the District’s understanding that although several ‘letters of intent’ may have
25 been received by LOGOS, only one contractor, Western Collegiate Consulting,
26 submitted a proposal. It is also the District’s understanding that Western Collegiate
27 Consulting was awarded the contract....”
28

29 “In light of the above facts known to the District, its school board is concerned that
30 ethical violations under ORS Chapter 244 may have occurred and therefore is
31 submitting this letter to OGEC so that it can conduct its own independent inquiry.

1 The District has additional concerns with respect to the procedures used by LOGOS
2 to contract out for these services, but we do not believe that to be within the purview
3 of OGEC and the District is conducting further investigation into those issues on its
4 own." (#PR1)

5
6 LETTER FROM LOGOS ATTORNEY TO MEDFORD SCHOOL DISTRICT

7 As referenced earlier, the complainant in this case sent an addendum to his initial
8 complaint which included a 10/4/17 letter from Matthew Lowe, an attorney at Jordan
9 Ramis, P.C., the law firm that currently represents LOGOS. Apparently, Mr. Lowe was
10 responding to questions from the Medford School District's attorneys concerning the
11 procurement of the Administrative Support and Teaching Services Agreement (Agreement)
12 between "Logos and Western Collegiate Consulting (WCC)". The letter is excerpted
13 below:

14
15 "...As early as 2014, Logos sought and received advice from its prior legal counsel
16 regarding its ability to enter into a third-party staffing agreement with a professional
17 employer organization ("PEO"). This inquiry stemmed from Logos's long-term goals
18 of increased enrollment, and expanding and improving its facility to better meet the
19 needs of its growing student body. Logos wishes to be the 'premier educational
20 leader in southern Oregon,' and would like to strategically increase its presence in
21 the greater Medford metropolitan area (e.g. Phoenix, Talent, and Ashland)..."

22
23 "Prior to conducting a procurement process for a PEO, and ultimately entering into
24 the Contract with WCC, Logos undertook in good faith a process by which it
25 gathered and analyzed data, and developed a written estimate of the relevant
26 comparative costs and cost savings based on that data. Logos has provided the
27 District with its written five-year cash flow estimate and comparison...developed
28 prior to the procurement in collaboration with Dave Carey, an experienced CPA."

29
30 "...In early March, Mr. Carey undertook an analysis of the school's records and
31 financial data. On March 9, 2017, Mr. Carey wrote the school's executive director

1 after his initial financial review to recommend that Logos take 'serious corrective
2 action before proceeding with the new school project.'...Upon completion of the
3 Written Cost Estimate in April, Mr. Carey also provided some written
4 conclusions...regarding the feasibility of new facilities, and obtaining facilities
5 financing, under then-current conditions....The Written Feasibility Findings state that
6 under the status quo, Logos's borrowing capacity would be sharply limited, and
7 obtaining desired facilities would require, among other things, a massive (and
8 uncertain) capital campaign. If, instead, Logos was to procure a third-party PEO
9 contract,..the School could not only continue to provide equivalent wages and
10 benefits to staff and remain on sound financial footing, but also greatly increase its
11 borrowing capacity for desired facilities. These written conclusions were adopted by
12 the executive director, who included them in his written report to the Board at its
13 meeting of May 8, 2017...." (#PR1a)

14
15 LETTER FROM RESPONDENT'S LEGAL COUNSEL

16 Joe Vondoloski is represented in this matter by Charles Bolen, an attorney with Hornecker
17 Cowling, LLP. During preliminary review, Mr. Bolen provided a letter and other records in
18 response to the complaint. Mr. Bolen's letter will be provided in its entirety to the
19 Commissioners with this report, and is excerpted below:

20
21 "As Logos states...[in its 9/13/17 letter to Medford School District], it formed an
22 Executive Committee to write the RFP to solicit bids for administration and teaching
23 services on May 8, 2017. Mr. Vondoloski had absolutely nothing to do with the RFP
24 Executive Committee, the contents of the RFP or the advertising and publication of
25 it. Mr. Vondoloski was intentionally kept out of the RFP process and Logos followed
26 advice of legal counsel throughout, from the inception of the RFP to the eventual
27 contract with Western Collegiate Consulting ("WCC").

28
29 "Mr. Vondoloski resigned from his position at Logos on June 26, 2017. When he
30 resigned, the responses to the RFP were not yet due and he faced the very real
31 possibility that WCC's RFP response would not be chosen. However, he did so in

1 order to resolve any appearance of impropriety. He did so, even though legal
2 counsel had opined that he could continue to maintain his position at Logos, as long
3 as he was kept out of the writing of the RFP (which he was) and did not receive or
4 review any RFP responses submitted by interested bidders (which he did not). He
5 decided instead to resign prior to the due date for RFP responses.”

6
7 “...Logos’ counsel states that prior to conducting a procurement process for a
8 professional employer organization (“PEO”), and ultimately entering into a contract
9 with WCC, Logos undertook a thorough analysis of its current costs and forecasted
10 budgetary costs through 2022. Logos hired an independent CPA to conduct this
11 analysis. Mr. Vondoloski presented the CPA’s findings and conclusions to the
12 Logos board, as part of his duties as Logos’ Executive Director. The CPA reviewed
13 the financial prospects of Logos, including the issue of the effect PERS would have
14 on the school going forward through 2022 and Logos’ ability to construct a new
15 school building. While Logos’ counsel characterizes this an ‘adoption’ of the CPA’s
16 findings (and which attorney Pauck [complainant] emphasizes) there was no
17 adoption process performed by Mr. Vondoloski. As Executive Director for Logos, it
18 was his responsibility to present these findings to the board. Those facts simply
19 speak for themselves.”

20
21 “Mr. Vondoloski had nothing to do with the formation of the RFP, its contents, the
22 approval of it, or its publication. The entire RFP process was vetted and approved
23 by legal counsel. This is emphasized and explained thoroughly and repeatedly by
24 Logos in its September 13 and 20 responses to attorney Pauck and the MSD.
25 Ironically, Logos based its RFP format on RFPs issued previously by the MSD. At no
26 time did Mr. Vondoloski violate ORS Chapter 244. WCC did mistakenly send out an
27 employee packet which contained a document with Logos’ letterhead. It takes full
28 responsibility for that mistake and the error has been rectified....” (#PR3)

29
30 Information obtained during investigation shows that LOGOS officials originally explored
31 the idea of outsourcing their employees in 2014, which began with a presentation to the

1 Board on 3/10/14 by Northwest Innovative Solutions. In a subsequent Board meeting,
2 Respondent was authorized to spend \$1,000 to develop and advertise a Request for
3 Proposal for such a service. In June of 2014, LOGOS received notices of intent to respond
4 to the RFPs from at least two companies. However, the RFP was cancelled without
5 entering into any contract, apparently because LOGOS learned that a similar "co-
6 employment" contract executed by another charter school did not allow that school to opt
7 out of contributions to Public Employees Retirement System (PERS). (#INV2a and #INV4)
8

9 CHRONOLOGY

10 1) Prior to the 5/8/17 LOGOS Board Meeting at which the Board decided to solicit 11 bids for a Professional Employer Organization (PEO) through an RFP.

12
13 2014 (March – June) – LOGOS attempted, but dropped the idea of exiting PERS by
14 outsourcing personnel. (#INV2a and #INV4)

15 10/28/15 – Western Collegiate Consulting, LLC, (WCC) incorporated with Respondent as
16 the registered agent. (#PR2)

17 12/29/16 – Oregon administratively dissolved WCC for failure to file annual report. (#PR2)
18

19 In early 2017, Respondent was actively seeking to procure funding for a new building for
20 LOGOS, and emails show that he was gathering information from various sources
21 about the costs of PERS. At this same time, Respondent was working with Dave
22 Carey and Cassie Zimmerer, the HR/Business Manager for LOGOS, to create a five
23 year cash flow projection for LOGOS and estimate the savings to be realized if
24 LOGOS contracted with a professional employer organization (PEO) and opted out
25 of PERS.
26

27 ***Unless otherwise noted, emails in this report were either initiated from, or***
28 ***addressed to, the Respondent's LOGOS email address with his signature and***
29 ***title of Executive Director, with school's logo.***
30

31 On 2/8/17 Respondent emailed several sources for help answering the following question:

1 "If the state PERS investment does not perform as expected, 7 or so percent profit,
2 what liability does Logos (my charter school) have for making up that difference for
3 our employees?' We are seeking a facility loan and the bankers are asking these
4 questions. They see this as a significant liability that would damage our cash flow if
5 the PERS investment underperformed even slightly." (#INV6)
6

7 On 2/15/17, Respondent wrote to Dave Carey,

8 "I am following up with all my contacts regarding becoming a PEO. I will keep you
9 posted." (#INV6)
10

11 On 3/13/17, Respondent wrote to Dave Carey,

12 "I am meeting with Kids Unlimited this week to discuss how they got out of PERS,
13 and what it would look like to parnter [sic] with them in their management company.
14 I also emailed a Director in Lowell who opted out this year to see how she did it and
15 how it is working." (#INV6)
16

17 4/18/17 – WCC's lapsed business registration reinstated by Respondent as CEO. (#PR2)
18

19 4/19/17 – 5/2/17; Respondent emailed back and forth with vendor to arrange:

20 WCC business cards and email addresses for himself and Cassie Zimmerer, both
21 current LOGOS employees, as well as WCC logo design, WCC website, and WCC
22 domain name. (#INV11)
23

24 On 4/20/17, Dave Carey wrote LOGOS HR/Business Manager and cc'd Respondent,

25 "Joe and I had a very good meeting this morning. He brought me fully up to date on
26 plans to restructure Logos and get out of PERS as well as the increased marketing
27 efforts....I directed most of my comments to preparation for the May 8 Board
28 meeting and the need for a well-developed five-year plan....It is very important that
29 the Board come away from the meeting with enthusiasm for the plans and full
30 confidence in management. Later, when they address the question of restructuring
31 and contracting with a management company it is essential that they have full

1 confidence in the present management....” (#INV6)

2
3 Also on 4/20/17, Mr. Carey wrote to Respondent,

4 “If I were a member of your Board and confronting, in the not too distant future, the
5 question of which management company to contract with, I would want to weigh
6 both the bid amounts and, more importantly, the operating credentials, track record
7 and competence of the management companies bidding. You need to do all you
8 can to engender Board confidence in your and Cassie’s operating skills. Spend
9 some time in the next few days itemizing and quantify all the steps that can be (or
10 have been) taken to eliminate negative operating variances from budget. Be
11 prepared to address them at the May 8 Board meeting. Then consider how to make
12 improved financial and operating performance an ongoing, visible priority for Board
13 members as well as staff. Cultivate the confidence in management that the Board
14 members will have to have to contract with your new management company.”
15 (#INV6)

16
17 On 4/28/17 at 1:34pm, Dave Carey wrote to Respondent and Cassie Zimmerer,

18 “Attached please find my take on the conclusions to be drawn from yesterday’s look
19 down the road. You might want to add one or two more in preparation for the May 8
20 Board meeting.” Attached were 4 narrative conclusions.

21
22 On 4/28/17 at 1:43pm, Dave Carey wrote to Respondent and Cassie Zimmerer,

23 “I revised conclusion #1. See attached....”

24
25 [Attached were the same 4 narrative conclusions as the version sent 9 minutes
26 earlier, with the addition of a final sentence to conclusion #1, “LOGOS should exit
27 PERS asap.”] (#INV6)

28
29 NOTE: The LOGOS attorney refers to Dave Carey as an “experienced CPA” in his
30 10/4/17 letter to the District (excerpted above). Respondent’s attorney, in his
31 10/10/17 letter to the Commission (excerpted above), states that LOGOS “hired an

1 independent CPA” to work on the financial study to be presented to the LOGOS
2 Board. During investigation, Dave Carey was interviewed by Commission staff. He
3 confirmed that he is not an accountant or CPA. He is a retired banker who was
4 introduced to Respondent by a friend of his who was donating land to LOGOS for
5 their new school construction. Dave Carey then met and corresponded several
6 times with Respondent and the LOGOS Business Manager in an effort to help
7 LOGOS prepare financial documents necessary to secure funding for their new
8 building. Mr. Carey does not remember writing or revising narrative conclusions
9 concerning the financial studies, but he does believe that from a purely financial
10 viewpoint, LOGOS would be better off without the PERS liabilities. He volunteered
11 his time, which was confirmed by the lack of LOGOS records showing any contract
12 with Mr. Carey or any LOGOS funds paid to him. Mr. Carey wanted to emphasize
13 that he believed Respondent to be a “straight shooter” in all his dealings with him,
14 and he felt Respondent was acting in the best interests of the school, not his
15 personal financial interests. (#INV1a and #INV10)

16
17 On 5/1/17 Respondent wrote to B. Jager Consulting and another person,

18 “My other adventure is moving full steam ahead. I am meeting with my board on
19 Monday to start the full implementation. I have met with another local school board
20 and am meeting with Lowell at the end of the month. I am planning to have 3
21 schools in network by the start of next year.”

22
23 “What I am looking at from this point is to see if either of you have schools that
24 would be interested in going with a management company for next year. I am
25 willing to work out a deal where I give you a percentage of any profits I
26 make...”(#INV13d)

27
28 On 5/2/17 Respondent wrote to Vice-Chair of the LOGOS Board, Mark VonHolle,

29 “If the board agrees with my recommendation to put out an RFP for a management
30 company, would you be willing to spearhead that? The District is going to put out
31 an RFP for transportation services. We can piggy back on that. I have 2 or three

1 people that would sit on the evaluation committee. Thinking put it out in June, have
2 the mandatory pre-bid meeting in mid June and due by the end of the month for
3 selection July 1st.”

4
5 On 5/2/17 Vice-Chair VonHolle responds,

6 “Can you please define what you mean by management company? Thank You!”

7
8 On 5/2/17 Respondent replies,

9 “The Logos board would retain and [sic] Executive Director and small staff and
10 remain the only employees of the charter school. The board would solicit a
11 management company to provide employees to Logos. Teachers, Principals, etc.
12 They would no longer be employees of the charter school. The management
13 company would handle all business office, payroll, HR, health insurance, retirement
14 packages, workman’s comp. etc. As they would no longer be public employees, the
15 school board would get out from under PERS. The school would create a 6%
16 matching 401k for qualifying employees. The school would also be able to get out
17 from OEBC.”

18
19 Full disclosure: I would be one of the companies submitting a bid to manage the
20 employees. I would resign as the ED of Logos and run the management
21 company....”

22
23 I would be happy to sit down for lunch this week and show you the financials as to
24 why if we are going to build a building AND be viable in the next 10 years with the
25 escalating PERS crisis, that this is absolutely a necessary step to take...” (#INV7)

26
27 On 5/4/17 Respondent wrote to LOGOS attorney,

28 “For the RFP for the management company. Does Logos have to put it out in
29 newspapers etc. or could we just contact 3 or more management companies asking
30 them to submit a proposal?...” (#INV12)

1 On 5/25/17 LOGOS attorney replies to Respondent, who forwards the response to
2 Sheryl Zimmerer, Board Chair at the time and on the committee to write the RFP,
3 "Yes, put the proposal in the newspaper. It might not increase the number of
4 bidders you get, but that should be the easiest/cheapest way to fulfill the public
5 notice requirement. See, e.g., ORS 279B.055(4)" (#INV12)

6
7 On 5/25/17 Sheryl Zimmerer replies to Respondent,
8 "I've already talked to Brad Earl and Jackie Flory [District employees]. I've got good
9 direction on this. The best thing for you to do to avoid any collusion issues is try to
10 distance yourself from this part..." (#INV12)

11
12 **5/8/17 Board Meeting Minutes and Information**

13 Joe Vondoloski's Executive Director's Report to the Board is excerpted below:

14
15 "I have completed my 5 year cash flow forecast. Conclusions are below:

16
17 1. Although increases in PERS rates will impose a very heavy financial burden,
18 LOGOS can continue operating with positive financial performance for the
19 foreseeable future. But, it will require maintaining both a higher enrollment and very
20 careful control of expenditures. **LOGOS should exit PERS asap.**

21 [bold added to indicate that this was apparently the revision referred to by
22 Dave Carey in his 4/28/17 email above.]

23
24 2. New school: If LOGOS does not exit from PERS, it should use debt financing of
25 a new school with caution and limit such debt to no more than \$1 million. A new
26 school could be financed using \$2.5 million from present cash reserves, plus \$2
27 million raised through a Capital Campaign, plus modest borrowings. In any event,
28 LOGOS should maintain cash balances of \$1 million or more at all times. A new
29 school costing more than \$5 million would require a larger Capital Campaign or
30 Logos should [consider] alternative leasing options for the new facility.

31

1 3. If LOGOS exits a majority of employees from PERS and substitutes a 401K plan
2 with 6% matching the projected improved financial performance of the school would
3 expand its borrowing capacity to the \$3-4 million range. This would enable LOGOS
4 to build a new school costing \$5 million with a smaller Capital Campaign. – see
5 **budgets** describing management company.” (#INV8)
6

7 The attached budgets compare the school’s current expenditures (with no
8 Management company) to the total expenditures with a Management company*.
9 The budget projected savings if LOGOS used a Management Company (PEO) in
10 the upcoming five years:
11

<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>
\$190,403	\$266,822	\$398,173	\$410,118	\$598,796

14
15 *The figures are based on what is described as the “Standard Management
16 Company Fee” of 10% for a PEO. Savings in each year include salaries and
17 benefits that would otherwise have been paid to Respondent and LOGOS
18 HR/Business Manager, whose positions would apparently be eliminated if LOGOS
19 contracted with a PEO. (#INV8)
20

21 NOTE: The original narrative conclusions, apparently written by Dave Carey,
22 included 4 paragraphs, but Respondent only presented three in his report to the
23 Board. The omitted paragraph stated:

24 “It is likely that LOGOS will have to ‘buy’ its way out of PERS. The total cost
25 of this is at present unknown. But, it would be worth it at any cost up to the
26 entire amount of its PERS liability of approximately \$2.5 million. The
27 payback from operating savings would be less than ten years. Further, the
28 expended borrowing capacity, together with a Capital Campaign, would still
29 enable LOGOS to proceed with building a new school.” (#INV6)
30

31 ///

///

1 The 5/8/17 Board meeting minutes contain the following as an "Action Agenda" item:

2 "RFP Management Company

3 Costs are increasing and we are in a negative financial trend. Logos pursued the
4 idea of contracting out services years ago but decided against it at the time. The
5 management believes it is a matter of financial survival to contract out some of its
6 services. Dave Dotterer makes a motion that Sheryl [Zimmerer], Mark [Von Holle]
7 and Brian Noble develop and [sic] RFP to put out a best value public competitive
8 request for proposals that the Board will review and approve before the issuance of
9 the RFP." The motion passed unanimously. (#INV8)

10
11 **2) Between 5/8/17 when the Board decided to create an RFP and 6/27/17, deadline for**
12 **responses to the LOGOS RFP**

13
14 On 5/9/17 Respondent wrote to Dave Carey,

15 "Home run. Going full steam ahead with the management company. Board was
16 unanimous and very thankful for the fiscal information and prospectus that you
17 provided. Having quite a time finding an insurance company willing to provide
18 reasonable rate for workman's comp insurance. Logos currently pays \$7500
19 annually and the only one who will even give me a quote wants \$18k from Western
20 Collegiate....I have 3 other charter[s] lined up to enroll in WCC for the start of next
21 year!" (#INV13)

22
23 On 5/9/17 Respondent wrote to an employee of Mountain View Academy,

24 "...Thought I would send you an email and update you. We just voted last night to
25 proceed with the Management Company RFP. Full steam ahead. I am meeting
26 with The Bridge there in Lowell on the 24th to propose to their school board. I have
27 2 other charter schools in addition to Logos that I will be proposing to this next
28 month and anticipate them both going with WCC....I think you will find that WCC is
29 far more than just a company to get out from PERS. We have a strong HR
30 background along with a team of experts in multiple areas of Charter Schools. You
31 would not just be gaining WCC, but you would be joining our network of charter

1 schools which would provide a much broader teacher and employee pool, and
2 everything from lobbyists in Salem to an annual charter school
3 conference....”(#INV13a)
4

5 On 5/10/17 Respondent wrote to employees of King Valley Charter School,

6 “...I am launching <http://www.westerncollegiateconsulting.com/> Do you know of any
7 healthy charter schools that would be interested in succoring a management
8 company to improve services all while saving money? By ‘healthy’ I mean able to
9 have legit lead teachers in place to work for WCC while the ED has to step back
10 from the managing of the day to day....” (#INV13b)
11

12 On 5/11/17 Respondent wrote to his brother, John Vondoloski, Executive Director of Bridge
13 Academy Charter School in Lowell and Bend Oregon

14 “Met with Madrone Trail last night. Meeting with 2 other schools soon. This is
15 starting to take off like we knew it would....I need to know where you see yourself in
16 this equation. I have to have somebody up there I can trust, especially with
17 Redmond satellite! I have enough schools here to make it work and don’t need a
18 scandal that I am 4 hours away from that creates bad PR and ruins the WCC name
19 in the nostrils of all agencies. What do you want to do John? I can’t pay you to
20 work from Northern Michigan. It is too big of a risk. That is front page news –
21 Management company takes profits, school fails, all while hi [sic] paid manager lives
22 in Michigan...I would propose you stay there for one more year, finish the transition,
23 let’s weather the PERS storm if it comes and afterwards, move here and become
24 COO of WCC...”(#INV13e)
25

26 On 5/12/17 Respondent wrote to employee of Kids Unlimited,

27 “...If you are serious about me presenting to your board the idea of a PEO I want to
28 follow up with some information. Can you send me a current P&L for the last
29 year...?...The biggest savings obviously comes from getting out of 30%+ of PERS
30 and as you are not currently in PERS, I will need to show you and the board the
31 value my management company would bring....Payroll, all HR including Hiring,

1 termination, contracts, Employee manuals, etc., Health ins., 401k Retirement, would
2 all be handled by Western Collegiate Consulting. The separation of the 2
3 organizations would be [sic] crystal clear and remove any hesitation on the part of
4 auditors, PERS, Boli, etc...." (#INV13c)

5
6 On 5/12/17 Respondent wrote to two individuals,

7 "I will run a PEO to provide employees to multiple charter schools. Just like School
8 districts do with bussing, Sodexo, Substitute teachers etc. They will work for me
9 and I will lease them to the schools. Because they work for Western Collegiate
10 Consulting (WCC) and not the charter school, they are not public employees and
11 subject to PERS. Logos charter school will be one of the schools I manage. Logos
12 is wanting to build a facility. Currently they are looking at having to pay Prevailing
13 wage and go through the onerous contracting laws for a public project because they
14 would be paying to build the facility using public funds. I propose that an outside
15 company build a facility using their own private funds. Perhaps this is an LLC with
16 WCC one of the partners. They would then lease the building to the charter school
17 until a certain amount of time where they could have the option of selling the facility
18 outright to the charter school. Very straight forward. All private money builds the
19 school. The public charter school leases the facility from the company. As the
20 facility is not in the city limits, we got ok to use city water as the facility was going to
21 be a school. Not sure if this gums up that arrangement? The water on the property
22 would not be sufficient – city water is a must. Basically, Can company LLC build a
23 school by itself and lease it to a charter school without the company having to use
24 P/W in the construction?" (#INV13f)

25
26 5/22/17 Board meeting minutes show that Respondent did not attend.

27 The Board discussed the RFP draft. They talked about how LOGOS would
28 publicize the RFP. "They have determined that they will put it in the Mail Tribune,
29 put it out on our website, and to a couple staffing companies....The Board...decided
30 to hold another special meeting to discuss the rate schedule of the RFP." (#INV9)

31 ///

1 5/23/17 Respondent writes to an employee of State Accident Insurance Fund (SAIF),
2 "Here is our current employee handbook from Logos. We will use something very
3 similar [sic] at WCC. Hiring procedures will be coming to you later this evening. We
4 use Safe Schools through the School district for employee trainings. WCC will
5 utilize those as well. Logos has been a very reliable client of SAIF. We hope to
6 continue that relationship. I need proof of WC before I can apply for my PEO
7 license...." (#INV13g)
8

9 5/25/17 Board meeting minutes show that Respondent did not attend.

10 The Board discussed the latest RFP draft. The selection committee was formed of
11 three board members. After changes to the draft RFP are made, the board votes to
12 accept the RFP. (#INV9a)
13

14 6/2/17 and 6/5/17 RFP advertised in Mail Tribune & Daily Journal of Commerce. (#INV14)

15 The RFP solicited for a contractor who would "completely manage and employ staff
16 and lease them to Logos Public Charter School to provide educational services,
17 allowing the school to focus on the direction, purpose, planning, academic
18 benchmarks, and maintaining adequate financial resources to fulfill its mission and
19 vision. The Contractor will support the success and goals of Logos Public Charter
20 School board and Executive Director." The contract was "for an initial (5) year
21 period. This initial term shall begin on August 1, 2017 and expire on June 30,
22 2022..." (#INV14)
23

24 6/9/17 "Letter of Interest" deadline for proposers in response to LOGOS RFP. (#INV14)
25

26 6/16/17 Respondent submits WCC's 15 page proposal in response to LOGOS RFP.

27 The WCC proposal's response to questions about staff described a total of two staff
28 members and three partners:

- 29 • "Joseph D. VonDoloski, WCC Founder and CEO...Under his leadership,
30 Logos Charter School finished the 2016-17 school year with a 91%
31 graduation rate, \$3M in reserves, a planned \$6M new school building

1 project..."

- 2 • "WCC's Chief Human Resources Officer, Cassie Zimmerer..."
- 3 • "Partner – Sky Oak Financial, June McReynolds, 401k Advisor and Plan
- 4 Manager"
- 5 • "Partner – Payroll Specialties Inc"
- 6 • "Partner – Hart Insurance, Erinn Fralich – Group Benefits Consultant"

7
8 The WCC proposal in response to questions about experience in Oregon Charter
9 Schools and knowledge of charter school laws:

- 10 • "The biggest asset WCC brings to the table is that Logos would be able to
11 eliminate several Administration positions by choosing our company. In
12 addition to saving hundreds of thousands of dollars initially, WCC will also
13 provide a seamless transition as the current faculty and staff trust the
14 Directors of WCC. You will not find a company who understands the inner
15 and outer workings of Logos better than WCC. For 11+ years of experience
16 starting, running, and consulting multiple public charter schools. We have a
17 vast network of statewide charter school partners and resources." (#INV15)

18
19 6/26/17 Board meeting minutes note the following:

20 Respondent resigned as executive director of LOGOS, effective 6/26/17.

21 Sheryl Zimmerer, then principal at LOGOS, was offered and accepted the position
22 of executive director.

23 The Board unanimously approved offering Respondent "a consulting contract to
24 continue helping [his replacement] with the new facility. He will attend meetings and
25 offer his expertise." (#INV9a)

26
27 NOTE: No terms of the consultancy arrangement were recorded in the minutes,
28 and it appears that LOGOS and Respondent never had a written contract for this
29 service. However, other information indicates that the amount of the consultancy
30 fee was \$10k and it was billed by WCC in its first invoice to LOGOS. (#INV2a and
31 #INV16)

1 6/27/17 Deadline for receiving RFP proposals. (#INV14)

2 RFP Timeline

3	Advertisement for Proposals	5/30/17
4	Letter of Interest Due	6/9/17
5	Deadline for Receiving Proposals	6/27/17
6	Selection Committee Evaluation	6/28-29/17
7	Recommendation to School Board	7/6/17
8	Contract Award Board Meeting	7/10/17
9	Negotiation of the Contract	7/17-28/17
10	Contract Begins	8/1/17 (#INV14)

11
12 **3. Between 6/27/17 deadline for bidding on RFP and 11/14/17, when LOGOS ended**
13 **contract with WCC through a settlement agreement**

14
15 On 6/28/17, Respondent wrote to employees of Hart Insurance Co.,

16 "Subject: Insurance for WCC

17 "Just checking in. Is there anything you need from me on my end?"

18
19 On 6/29/17, Respondent, *from his WCC email address*, to Sheryl Zimmerer with
20 subject line "Why11%?"

21
22 "Talking points:...My 11% bid was including my facility consultation. I estimate it will
23 take 14-15 more months of work minimum. WCC lost about \$7k when you elected
24 not to replace Frank....Logos is getting a considerable per student increase this
25 year. 11% plus possibly an [sic] CTE amount plus the legislature is talking about
26 even more. (To cover PERS increases) This along with the RR school that I
27 delivered on a silver platter puts LOGOS in position to easily afford an add'l
28 \$25k....Perhaps Logos only wants to do a 1 year contract to see how it works. I
29 think the extra \$25k is a solid business decision driven by the market, the value I
30 bring to a \$6M organization and the many uncertainties. If everything works out,
31 this will be a win win. Those are my thoughts in no particular order. Hope that

1 helps." (#INV17 and #INV2a)

2
3 7/10/17 Board meeting minutes include the following:

4 "Decision to take the next step in the RFP in negotiations and approval process.
5 The Board needs to put together their negotiations for Western Collegiate. The
6 RFP Board suggests to accept the recommendations after reviewing the RFP
7 proposal and go forward with Western Collegiate..." Motion made and passed with
8 three votes.

9
10 Motion made and passed with three votes to appoint two board members to be on
11 "the Negotiations Board dealing with Western Collegiate in the RFP process."
12 (#INV18)

13
14 7/24/17 Board meeting minutes include the following action agenda:

15 "PEO Contract"

16 Motion is made and passed to "reimburse WCC in expenditures with receipts to
17 change from a for-profit company to a non-profit within one year."

18
19 Motion is made and passed to "approve the PEO contract with approved changes."
20 (#INV19)

21
22 7/25/17 "Administrative Support and Teaching Services Agreement between Logos Public
23 Charter School and Western Collegiate Consulting" was executed by signatures of
24 Dave Dotterer, Chair of the LOGOS board, and Respondent as owner of WCC.

25
26 The Agreement provides WCC with payments based upon number of students
27 enrolled, plus a management fee "of 11% of payroll services (and associated payroll
28 costs), excluding benefits, of contracted staff the first year of the contract and 10%
29 the subsequent years of the contract."

30 The Agreement also provides WCC will pay \$350 per month to LOGOS for use of a
31 furnished office for WCC personnel. (#INV20)

1 7/25/17 Respondent wrote to employee of Sky Oak Financial *from his WCC email address,*
2 *and forwarded to Cassie Zimmerer at her LOGOS email address and his brother, executive*
3 *director of Bridge Charter School, on 7/31/17,*
4

5 "Things are rocking here! PEO approved and contracts with LOGOS signed and
6 soon to be with Lowell and Bend. (The Bridge Charter School) Planning to enroll
7 all employees up in Bend and Lowell the week of Aug 14th – 18th. The week of the
8 21-25th will be the teacher training for LOGOS teachers for you to present to them.
9 A good introduction would be, 'When I saw the 401k that WCC set up for you all, my
10 reaction was, "can I join this plan?"...(#INV13h)

11
12 9/28/17 Complaint is received by this Commission against Mr. Vondoloski concerning
13 these circumstances. (#INV1)

14
15 10/11/17 Board special session meeting minutes includes the following action items,
16 following an executive session:

17
18 Motion made and passed "that Logos terminate the contract with Western
19 Collegiate Consulting with 150-day notice required in the contract..."

20
21 Motion made and passed that "a committee made up of the Executive Director,
22 Board Chair, and attorney negotiate terms of termination with Western Collegiate
23 Consulting to occur as soon as reasonably possible...." (#INV3b)

24
25 10/16/17 LOGOS gives 150 day notice of termination to WCC. (#INV3)

26 The current executive director explained that LOGOS cancelled their contract with
27 WCC because the District found problems with the cost analysis that was done and
28 became the justification for the outsourcing of personnel. Evidently, there were
29 some aspects of the cost analysis that did not conform to the statutory requirements
30 in ORS 279. Although this process had been run by their attorneys, who approved
31 it, there was apparently no heads up given to LOGOS concerning the requirements

1 of the cost analysis. Because the cost analysis was incomplete or faulty, the
2 contract with WCC was undermined, and the LOGOS Board cancelled their contract
3 with WCC. (#INV2)
4

5 11/7/17 Board special session meeting minutes included this action item following an
6 executive session:
7

8 Motion made and passed approving \$50,000 payment to WCC for transition of
9 employees sometime between 12/26/17 and 1/2/18, with details to be finalized upon
10 negotiation, subject to release agreement by legal counsel. (#INV3c)
11

12 11/14/17 Settlement agreement executed between LOGOS and WCC. (#INV3a)

13 Parties agreed to terminate the contract effective January 2, 2018, prior to the end
14 of the notice period and in exchange Logos paid WCC \$50,000.00 in two equal
15 installments on 1/2/18 and 2/1/18 to compensate WCC for amounts that would have
16 been owing to WCC under the terms of the Contract through March 15, 2018.
17

18 Parties also agreed that any consulting agreement between Logos, WCC and Joe
19 Vondoloski terminates upon execution of the settlement.
20

21 **CONCLUSIONS:** Joseph Vondoloski was the executive director or former executive
22 director of LOGOS, a public charter school, when the events relevant to this case occurred.
23 He was a public official as defined in ORS 244.020(15) and subject to compliance with
24 ORS Chapter 244.
25

26 Respondent owns and operates Western Collegiate Consulting, LLC, (WCC) a private for-
27 profit business. It appears that WCC was dormant for a while until Respondent reinstated
28 its business registration on 4/18/17. Respondent is CEO and sole member of the LLC.
29 For purposes of the conflict of interest and use of office provisions of ORS Chapter 244,
30 WCC is a business with which Respondent is associated.
31

31 ///

1 Prohibited Use of Office

2 In relevant part, a public official is prohibited from using or attempting to use their official
3 position to obtain a personal financial benefit for themselves or a business with which they
4 are associated, if the financial benefit would not have been available but for their holding of
5 the official position. [ORS 244.040(1)].

6
7 The Oregon Government Ethics Commission adopted the following guidelines for public
8 officials who have outside employment or private business interests, to aid them in
9 remaining in compliance with the use of office and conflict of interest provisions of ORS
10 Chapter 244. [Guide to Public Officials, 2010].

11
12 **GUIDELINES FOR OUTSIDE EMPLOYMENT OF PUBLIC OFFICIALS**

- 13 1. Public officials are not to engage in private business interests or other employment
14 activities on their governmental agency's time.
- 15 2. A governmental agency's supplies, facilities, equipment, employees, records or any
16 other public resources are not to be used to engage in private business interests.
- 17 3. The position as a public official is not to be used to take official action that could
18 have a financial impact on a private business with which you, a relative or member
19 of your household are associated.
- 20 4. Confidential information gained as a public official is not to be used to obtain a
21 financial benefit for the public official, a relative or member of the public official's
22 household or a business with which any are associated.
- 23 5. When participating in an official capacity and met with a potential or actual conflict
24 of interest related to a business associated with the public official, relative or
25 household member, the public official must disclose the nature of the conflict of
26 interest using one of the following methods:
- 27 o Employees of governmental agencies must give written notice to their
28 appointing authority.
 - 29 o Elected or appointed public officials must publicly disclose once during each
30 meeting convened by the governing body they serve.

1 Records obtained during investigation show that Respondent, in his official capacity as
2 executive director of LOGOS, began gathering information in early 2017 on reducing PERS
3 costs for LOGOS in order to obtain funding for LOGOS to build a new school. Respondent
4 worked with Dave Carey, a retired banker who volunteered his time, and Cassie Zimmerer,
5 the LOGOS HR/Business Manager, to create financial documents for presentation to the
6 LOGOS Board on 5/8/17. These documents and narrative recommendations showed the
7 savings LOGOS could realize if they contracted with a Professional Employer Organization
8 (PEO), which would then become the employer of LOGOS personnel, avoiding PERS
9 obligations.

10
11 In the run up to the 5/8/17 and at the 5/8/17 meeting of the Board for approval of the PEO
12 option, Respondent, in his official capacity as the executive director of a public charter
13 school, used or attempted to use the resources of LOGOS (time, emails, title, employees,
14 and records) to create an economic opportunity for himself or his private business, WCC,
15 as described below:

16 1) He personally selected Dave Carey outside of any formal Board process or arm's
17 length professional relationship, to act as the financial expert in the production of a cost
18 analysis that would initially appear to satisfy public contracting rules. Although both
19 LOGOS attorney and the Respondent's attorney refer to Mr. Carey as an independent
20 CPA who was hired by LOGOS, that was not actually the case.

21 2) He directed Cassie Zimmerer, LOGOS HR/Business Manager, to use the LOGOS
22 data in concert with Mr. Carey, to create the necessary financial documents.

23 3) LOGOS emails show that prior to May 2017, he contacted other charter schools to
24 gain information about how they used a PEO to eliminate PERS costs.

25 4) LOGOS email records show Respondent was attempting to involve himself in the
26 RFP process through participating in forming the selection committee, the RFP timeline,
27 and the advertising details as early as 5/2/17, as described below.

28 5) LOGOS Board meeting records show that on 5/8/17 Respondent, in his capacity as
29 executive director presented his own recommendation to the Board along with
30 supporting financial records that LOGOS should contract with a PEO, despite the fact
31 that he owned a private business which was planning to vie for that contract. No other

1 bidder or potential bidder had the opportunity to recommend that LOGOS solicit bids.

2
3 Respondent's 5/2/17 email exchange with the Vice Chair of the LOGOS Board revealed
4 the following:

- 5 • Respondent was going to recommend on 5/8/17 that the Board "put out an
6 RFP for a management company", as he believed that to be "absolutely a
7 necessary step to take" for LOGOS.
- 8 • Respondent asked the Vice-Chair if he was willing "to spearhead" the effort.
- 9 • Respondent already had "2 or three people that would sit on the evaluation
10 committee".
- 11 • Respondent was forming a time line for the RFP with selection of successful
12 bidder occurring on 7/1/17.
- 13 • The Vice-Chair asked what Respondent meant by a "management
14 company".
- 15 • Respondent disclosed to Vice Chair that he planned to bid on the RFP and
16 resign as executive director to run the management company.

17
18 Respondent's conduct prior to the 5/8/17 presentation to the LOGOS Board, make clear
19 that Respondent had already been using his official position to create an opportunity to
20 advance the financial interests of his private business. Respondent was proceeding as if
21 the Board's adoption of the plan for a PEO was a foregone conclusion, as was the
22 awarding of the PEO contract to WCC, his private business.

23
24 In addition, before and after the 5/8/17 meeting of the LOGOS board, Respondent, in his
25 capacity as a public official, used public resources such as LOGOS email and signature
26 block with his executive director title and LOGOS contact information, to further the
27 financial interests of his private business by performing the following tasks:

- 28
- 29 6) Announce his private PEO business to other charter schools and solicit
30 clients for WCC on the following occasions: 5/1/17, 5/9/17, 5/10/17, 5/11/17,
31 and 5/12/17.

1 7) Arrange for WCC's domain name, email address, webpage, logo design,
2 and business cards for himself and another LOGOS employee, Cassie
3 Zimmerer, between 4/18/17 to 5/2/17.

4 8) Obtain information concerning how WCC could possibly avoid BOLI
5 requirements and prevailing wage laws, on 5/12/17.

6 9) Obtain insurance services for WCC from Hart Insurance on 6/28/17.

7 10) Provide SAIF with the LOGOS Employee Handbook when soliciting workers
8 compensation coverage for WCC on 5/23/17.

9 11) Submit WCC's proposal in response to the LOGOS RFP on 6/16/17.

10
11 Respondent's attorney states that Mr. Vondoloski had "absolutely nothing to do with the
12 RFP Executive Committee, the contents of the RFP or the advertising and publication of it."
13 He also reiterates that Respondent resigned his position at LOGOS the day prior to the
14 RFP deadline for responses, "in order to resolve any appearance of impropriety...even
15 though legal counsel had opined that he could continue to maintain his position at LOGOS
16 as long as he was kept out of the writing of the RFP (which he was) and did not receive or
17 review any RFP responses submitted by interested bidders (which he did not)..."

18
19 It is true that Mr. Vondoloski did not sit on the RFP committee, write the RFP, publicize the
20 RFP, or select his own company as the winning bid.

21
22 However, it appears that Mr. Vondoloski nevertheless used or attempted to use his position
23 as LOGOS executive director to obtain a financial benefit for himself or his business, WCC,
24 that would not have been available but for holding his official position on the occasions
25 noted above. This use of office includes Mr. Vondoloski's use of detailed information about
26 the financial situation of LOGOS which may not have been "confidential" but was only
27 available to him because of the activities he performed as the executive director. This
28 report cites 11 instances of Mr. Vondoloski's use or attempted use of his official position
29 which could result in preliminary findings of violations of ORS 244.040.

30 ///

31 ///

1 Conflict of Interest

2 Conflicts of interest mean any action, decision, or recommendation made by a person
3 acting in their capacity as a public official, the effect of which would or could be to the
4 private pecuniary benefit or detriment of the public official, their relative, or a business with
5 which they or a relative are associated. [ORS 244.020(1), (13)]

6

7 ORS 244.120(1)(c) requires an appointed public official such as Joe Vondoloski, when met
8 with a conflict of interest, to notify their appointing authority in writing of the nature of their
9 conflict and ask that the appointing authority dispose of the issue giving rise to the conflict.

10

11 The only written record of Mr. Vondoloski disclosing a conflict of interest to his appointing
12 authority was in his 5/2/17 email to Board Vice-Chair in which he revealed that he would be
13 submitting a bid for the LOGOS RFP, which he assumed was going to be approved in a
14 few days. Ironically, instead of asking the Vice-Chair to dispose of his conflict of interest,
15 Mr. Vondoloski asked the Vice-Chair to spearhead the project.

16

17 Joe Vondoloski's 5/8/17 recommendation that the LOGOS Board enter into a contract with
18 a PEO, was made in his capacity as the executive director. There is no record that Mr.
19 Vondoloski disclosed at that Board meeting that he was met with a conflict of interest.

20

21 Records show that Mr. Vondoloski did not attend the Board meetings at which the RFP
22 was discussed or action taken concerning the process. And, it appears that he was
23 advised by legal counsel to stay out of these formal processes.

24

25 Nevertheless, every time that Mr. Vondoloski took an official action, made a decision, or
26 made a recommendation in his capacity as LOGOS executive director that would or could
27 have financially affected him or his business, WCC, he was met with a conflict of interest,
28 and was required to provide written notice to his appointing authority.

29

30 When Joseph Vondoloski, in his official capacity as executive director of LOGOS, was met
31 with taking action or making decisions or recommendations in each of the 11 instances

1 cited above, he was met with a conflict of interest and he failed to comply with the conflict
2 of interest disclosure and disposition requirements of Oregon Government Ethics law,
3 resulting in preliminary findings of violation of ORS 244.120(1)(c).

4
5 Personally benefitting from a public contract that public official authorized

6 ORS 244.047 prohibits a person who ceases to hold a position as a public official from
7 having a direct beneficial financial interest in a public contract for two years after the date
8 the contract was authorized by the person acting in the capacity of a public official; or by a
9 board, commission, council, bureau, committee or other governing body of a public body of
10 which the person was a member when the contract was authorized.

11
12 OAR 199-005-0035(6) clarifies that as used in ORS 244.047, a public contract is
13 "authorized by" a public official if the public official performed a significant role in the
14 selection of a contractor or the execution of the contract. A significant role can include
15 recommending approval or signing of the contract, including serving on the selection
16 committee or team, or having the final authorizing authority for the contract.

17
18 Information appears insufficient to show that Mr. Vondoloski, in his official capacity as the
19 LOGOS executive director, authorized or performed a significant role in the selection of the
20 contractor or the final authorization of the contract on behalf of LOGOS. When he signed
21 the contract with LOGOS on 7/25/17, he had resigned from his public position and was
22 signing the contract on behalf of his private business. A preponderance of evidence does
23 not support a violation of ORS 244.047.

24
25 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should make a
26 preliminary finding that Joseph Vondoloski violated the use of office provisions of Oregon
27 Government Ethics law, ORS 244.040, on 11 occasions. The Commission should also
28 make a preliminary finding that Joseph Vondoloski violated the conflict of interest
29 provisions of Oregon Government Ethics law, ORS 244.120(1)(c), on 11 occasions.

30 [Motion 10]

31 ///

1 **ASSOCIATED DOCUMENTS:**

- 2 #PR1 Letter of complaint and other information provided by Thaddeus Pauck, and
3 received by the Commission on 9/28/17.
- 4 #PR1a 10/5/17 email from Thaddeus Pauck and attachments, including a 10/4/17
5 letter from Matthew Lowe, attorney for LOGOS, to Mr. Pauck.
- 6 #PR2 Records downloaded 10/12/17 from the Oregon Secretary of State's
7 Business Registry for LOGOS Charter School and Western Collegiate
8 Consulting, LLC.
- 9 #PR3 10/10/17 letter and records from attorney Charles Bolen of Hornecker
10 Cowling LLP, legal counsel for Joseph Vondoloski, received 10/10/17.
- 11 #INV1 12/21/17 and 4/20/18 requests from Commission to executive director of
12 LOGOS, requesting records.
- 13 #INV1a Emails received describing attached records in response to Commission
14 requests.
- 15 #INV2 12/28/17 Investigator's memo to file re contact with Sheryl Zimmerer, current
16 executive director and former Board Chair of LOGOS.
- 17 #INV2a 4/25/18 Investigator's memo to file re explanation of records.
- 18 #INV3 Copy of 10/16/17 letter from LOGOS to Joseph Vondoloski giving 150 day
19 notice of termination of contract with Western Collegiate Consulting, LLC.
- 20 #INV3a Copy of Confidential Settlement Agreement and Release between LOGOS,
21 Joseph Vondoloski as President of Western Collegiate Consulting, LLC, and
22 Joseph Vondoloski, an individual, executed on 11/14/17.
- 23 #INV3b Copy of LOGOS Board meeting minutes for 10/11/17 Special Session.
- 24 #INV3c Copy of LOGOS Board meeting minutes for 11/7/17 Special Session.
- 25 #INV4 Copy of LOGOS records concerning 2014 solicitation of outside staffing
26 companies.
- 27 #INV5 Copy of LOGOS records concerning resignation of Joseph Vondoloski from
28 LOGOS.
- 29 #INV6 Copies of emails between Dave Carey and Joe Vondoloski in 2017.
- 30 #INV7 Copy of 5/2/17 Emails between Joe Vondoloski and Board Vice-Chair.
- 31 #INV8 Copy of LOGOS Board meeting minutes and other information for 5/8/17.

- 1 #INV9 Copy of LOGOS Board meeting minutes and other information for 5/22/17.
- 2 #INV9a Copy of LOGOS Board meeting minutes and other information for 5/25/17.
- 3 #INV9b Copy of LOGOS Board meeting minutes and other information for 6/26/17.
- 4 #INV10 Investigator's 4/27/18 memo concerning contact with Dave Carey and
5 information downloaded from CPAVerify, <https://cpaverify.org>.
- 6 #INV11 Copy of emails between Joe Vondoloski and private vendor, 4/19/17 - 5/2/17.
- 7 #INV12 Copy of email from Joe Vondoloski to LOGOS attorney, re RFP advertising,
8 5/4/17.
- 9 #INV13 Copy of email from Joe Vondoloski to Dave Carey on 5/9/17.
- 10 #INV13a Copy of email from Joe Vondoloski to Mountain View Academy on 5/9/17.
- 11 #INV13b Copy of email from Joe Vondoloski to King Valley Charter School on 5/10/17.
- 12 #INV13c Copy of email from Joe Vondoloski to employee at Kids Unlimited on
13 5/12/17.
- 14 #INV13d Copy of email from Joe Vondoloski to B. Jager Consulting and another
15 person, on 5/1/17.
- 16 #INV13e Copy of email from Joe Vondoloski to John Vondoloski at Bridge Academy
17 Charter School on 5/11/17.
- 18 #INV13f Copy of email string including email from Joe Vondoloski to individuals re
19 BOLI compliance and prevailing wage on 5/12/17.
- 20 #INV13g Copy of email from Joe Vondoloski to SAIF employee on 5/23/17.
- 21 #INV13h Copy of email from Joe Vondoloski to Sky Oak Financial employee from his
22 WCC email, and forwarded to Cassie Zimmerer at her LOGOS email
23 address, 7/25/17 and 7/31/17.
- 24 #INV14 Various records received by Commission from LOGOS in response to
25 records request, including RFP timeline, Joe Vondoloski's undated letter of
26 resignation.
- 27 #INV15 Copy of 6/19/17 email from Joe Vondoloski to LOGOS and attached WCC's
28 proposal in response to RFP.
- 29 #INV16 Copy of email from Sheryl Zimmerer to investigator with attachment, 4/21/18.
- 30 #INV17 Copy of email from Joe Vondoloski (from WCC email address) to Sheryl
31 Zimmerer on 6/29/17.

- 1 #INV18 Copy of LOGOS Board meeting minutes and other information for 7/10/17.
- 2 #INV19 Copy of LOGOS Board meeting minutes and other information for 7/24/17.
- 3 #INV20 Administrative Support and Teaching Services Agreement between Logos
- 4 Public Charter School and Western Collegiate Consulting, executed 7/25/17.
- 5

PREPARED BY Diane Gould 5/3/18
Diane Gould /Date
Investigator

APPROVED BY Ronald A. Bersin 5/3/18
Ronald A. Bersin Date
Executive Director

REVIEWED BY Amy E. Alpaugh 5/3/18
Amy E. Alpaugh Date
Senior Assistant Attorney General

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October 10, 2017

Ronald A. Bersin, Executive Director
Diane Gould, Investigator
Government Ethics Commission
3218 Pringle Road SE, Ste 220
Salem, Or 97302-1544

RE: Joseph VonDoloski: Case No. 17-070DG
Our File No. 33322-001

Dear Mr. Bersin and Ms. Gould:

This office represents Joseph VonDoloski regarding case no. 17-070DG. Thank you for the opportunity to respond to your September 29, 2017, letter, which included a complaint received by the Commission from Thaddeus Pauck, attorney for the Medford School District ("MSD"), alleging that Mr. VonDoloski may have violated provisions of ORS Chapter 244. It is our understanding that attorney Pauck submitted his complaint dated September 22, 2017, (with attachments thereto), and supplemented that complaint via email on October 5, 2017 (with additional attachments thereto). This response addresses those allegations.

As attorney Pauck repeatedly stated in his complaints, neither he nor the MSD has any evidence of any wrongdoing by Mr. VonDoloski. We welcome the opportunity to clear up any confusion that both attorney Pauck and the MSD may have in this matter.

We understand that Logos Public Charter School ("Logos") has thoroughly cooperated with both the MSD and attorney Pauck, having recently answered all of their questions regarding the Request For Proposal ("RFP") process.

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In his October 5, 2017 complaint, attorney Pauck attached the October 4, 2017 letter to him from Logos' attorney. Unfortunately, he did not attach Logos' September 13 and 20, 2017 responses, which are quite relevant and instructive to the matters alleged by attorney Pauck. Those responses are hereby attached. They are key to the analysis in this case, since they not only provide background information but also explain the role of legal counsel throughout this process and, most importantly, explain how Mr. VonDoloski was not involved in the RFP process or any decision by the Logos board in issuing the RFP.

I. Logos' September 13, 2017 Response.

As Logos states on pages 2 and 3, it formed an Executive Committee to write the RFP to solicit bids for administration and teaching services on May 8, 2017. Mr. VonDoloski had absolutely nothing to do with the RFP Executive Committee, the contents of the RFP or the advertising and publication of it. Mr. VonDoloski was intentionally kept out of the RFP process and Logos followed advice of legal counsel throughout, from the inception of the RFP to the eventual contract with Western Collegiate Consulting ("WCC"). (*Logos September 13, 2017 Response*, pgs. 3-5).

Mr. VonDoloski resigned from his position at Logos on June 26, 2017. When he resigned, the responses to the RFP were not yet due and he faced the very real possibility that WCC's RFP response would not be chosen. However, he did so in order to resolve any appearance of impropriety. He did so, even though legal counsel had opined that he could continue to maintain his position at Logos, as long as he was kept out of the writing of the RFP (which he was) and did not receive or review any RFP responses submitted by interested bidders (which he did not). He decided instead to resign prior to the due date for RFP responses. (*Logos September 13, 2017 Response*, pg. 3).

Attorney Pauck states in his October 5, 2017, complaint that Mr. VonDoloski adopted findings that entering into a staffing contract with a third party would be beneficial for Logos. We disagree with attorney Pauck's assertions. His assertions are based on a letter to him from Logos' attorney dated October 4, 2017. In that letter, Logos' counsel states that prior to conducting a procurement process for a professional employer organization ("PEO"), and ultimately entering into a contract with WCC, Logos undertook a thorough analysis of its current costs and forecasted budgetary costs through 2022. Logos hired an independent CPA to conduct this analysis.

Mr. VonDoloski presented the CPA's findings and conclusions to the Logos board, as part of his duties as Logos' Executive Director. The CPA reviewed the financial prospects of Logos, including the issue of the effect PERS would have on the school going forward through 2022 and Logos' ability to construct a new school building. While Logos' counsel

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characterizes this an "adoption" of the CPA's findings (and which attorney Pauck emphasizes) there was no adoption process performed by Mr. VonDoloski. As Executive Director for Logos, it was his responsibility to present these findings to the board. Those facts simply speak for themselves.

It is important to emphasize that at no time did Mr. VonDoloski have information available only to him which was not available to any member of the general public regarding the outside staffing process. Mr. VonDoloski was certainly aware that Logos was interested in using an outside staffing company, but so would anyone else who read the RFP from Logos seeking proposals from outside staffing companies. The very fact that Logos issued the RFP indicated that it was interested in utilizing the services of an outside staffing company.

As Logos has repeatedly stated in its September 13 and 20 responses to attorney Pauck and the MSD, Mr. VonDoloski had absolutely no influence in the language of the RFP. He was not part of the RFP process and did not attend board meetings when the contents of the RFP were discussed or voted upon. He had absolutely no input regarding what would be included in or excluded from the RFP.

Although attorney Pauck admits that the contract between Logos and WCC was not awarded and approved by the Logos board until after Mr. VonDoloski had resigned, he nevertheless asserts that Mr. VonDoloski may have used his official position as then Executive Director of Logos to obtain financial gain in violation of ORS 244.040(1). Again, attorney Pauck did not include in either of his complaints the September 20, 2017 response from Logos to his questions. That response answered additional questions and elaborated on the analysis presented in Logos' September 13th response. Logos sets forth in both responses all of the facts leading up to the RFP process and also addresses the allegations regarding ORS 244.040(1), (4), and (5) set forth on page 3 of Mr. Pauck's September 22, 2017, complaint.

II. Logos' September 20, 2017 Response.

After Logos' September 13, 2017 response, attorney Pauck and the MSD had questions regarding the RFP, specifically the lack of inclusion in the RFP of the benefits received by Logos employees during the 2016-17 school year. Logos responded on September 20, 2017 and answered those questions. Logos explained that the RFP required the proposing companies to list the benefits it intended to provide. (*Logos September 20, 2017 Response*, pg. 4). Logos also emphasized, as it had done in its September 13th response, that it conferred with and received advice from legal counsel throughout the RFP process. (*Logos September 20, 2017 Response*, pg. 5).

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Logos repeatedly emphasized that Mr. VonDoloski was not part of the RFP process and did not attend board meetings when the RFP was discussed or voted upon. He had no input regarding what was or was not included in the RFP. "We followed legal advice throughout the entire process to keep Joe away from any influence, decision-making or inside information on the RFP." (*Logos September 20, 2017 Response*, pg. 6).

III. There is No Actual or Potential Conflict of Interest Per ORS 244.020.

Mr. VonDoloski did not take any official action in this case which either would or could financially impact him per ORS 244.020(1) and (13). As noted above, Mr. VonDoloski took no part in the RFP process. The decision to enter into the RFP process was made by the board and not Mr. VonDoloski. He presented the findings of the CPA to the board. The board made the decision to go forward with the RFP process. The fact that WCC was in existence at the time the board made its decision to go forward with the RFP is far too tenuous of a circumstance to conclude that an actual conflict of interest existed when Mr. VonDoloski presented the CPA's findings to the board. Consequently, no actual conflict of interest existed.

Additionally, no potential conflict of interest existed because any alleged action by Mr. VonDoloski regarding the board's decision to issue the RFP would be exempted by ORS 244.020(13)(b). That section specifically exempts from potential conflicts of interest actions done in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state or a smaller class consisting of an industry, occupation, or other group, including one of which the person is engaged.

As the Commission has consistently stated in its advisory opinions, the key points in determining the applicability of the class exception are whether a sufficient class exists and whether all members of the class would be affected to the same degree as the public official taking the official action.

Even if it is determined that Mr. VonDoloski took some type of official action regarding the issuance of the RFP, the provisions of the RFP were publicly disseminated through a process approved by both legal counsel for Logos and the publication protocol of the MSD. In addition to WCC, there are 197 PEOs licensed in the State of Oregon. The provisions of the RFP applied equally to all 198 licensed PEOs. As a result, any potential conflict of interest would be exempted by ORS 244.020(13).

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IV. There is No Violation of ORS 244.040(1), (4) or (5).

A. WCC Relied Upon Information Available to Any RFP Respondent.

As the Commission has previously stated in reference to ORS 244.040(1), a public official is prohibited from accepting employment if members of the public do not have the same opportunity with regard to applying for and obtaining the job. To that end, the Commission generally requires the awarding of such a job opportunity be the result of an open and competitive process and that the job was reasonably advertised to members of the general public who might apply. (*cf. Ruben Cleaveland Letter of Advice*, September 21, 2017, pg. 3). In this case, Logos publicized the RFP in the manner advised by legal counsel and through the methods previously used by the MSD in the publication of its own RFPs.

The provisions of the RFP, which Mr. VonDoloski had no part in drafting or approving, and which were vetted and approved by legal counsel prior to publication, applied equally to all 198 licensed PEOs in this state. There is no evidence that WCC was awarded the contract in this case as a result of Mr. VonDoloski being the former Executive Director of Logos.

B. WCC Did Not Rely On Any Confidential Information.

ORS 244.040(1)(a) prohibits a public official from using or attempting to use their official position or office to obtain a financial gain or the avoidance of a financial detriment that would not otherwise be available but for the public official's holding of the official position or office. The Commission has historically determined that the use of non-confidential knowledge and information gained as a result of public employment does not constitute a violation of ORS Chapter 244. (*cf. Commission Staff Opinion Regarding Jim McDonald*, 97S-007, pg. 3, 1997). If Mr. VonDoloski relied on information that Logos would have made available to anyone who asked for it in the bidding process, the information would not be considered confidential. (*Accord, Commission Staff Opinion Regarding Larry Daimler*, 97S-016, pg. 3, 1997). Staff Opinion 97S-016 is applicable to Mr. VonDoloski's case. There, a member of the State Independent Living Council ("SILC") responded to an RFP issued by the SILC. The Commission Staff determined that the council member was not prohibited from responding to the RFP if the information relied upon in the council member's response was available to the public. "If the board member relied on information that SILC would have made available to anyone who asked for it, the information would not be considered confidential." (pg. 3). Here, Mr. VonDoloski did not rely upon any confidential information in responding to the RFP. While attorney Pauck questions why the RFP did not appear to provide information regarding benefits received by Logos employees on page 3 of his September 22, 2017, complaint, Logos specifically

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answered that question on page 4 of its September 20, 2017, response. Regardless, Mr. VonDoloski had absolutely nothing to do with the contents of the RFP, and any potential deficiencies in that regard (which there are none) would not be a violation of ORS 244 by Mr. VonDoloski.

V. A Background Check Error Did Occur.

Attorney Pauck raises a concern in his September 22nd complaint regarding WCC employee background checks, specifically referencing a background check by WCC in September of 2017. He attached an email exchange between the prospective WCC employee and MSD office assistant Cyndy Burns, as well as a fingerprinting and criminal background check document on Logos letterhead.

There was an error by WCC in this regard. We are attaching an August 25, 2017 email from WCC employee Cassie Zimmerer to the prospective employee (name redacted as in attorney Pauck's document). Ms. Zimmerer attached the Logos fingerprint and criminal background check document to the packet referenced in this email as document #2. This was a mistake on WCC's part. That document was mistakenly included as part of the WCC packet to prospective employees. That mistake has been corrected. Unfortunately, although Ms. Zimmerer specifically asked in her email that prospective employees "IGNORE THE BACKGROUND CHECK PORTION OF THIS DOCUMENT," (emphasis in original), some prospective employees submitted the background check to the web address on the document. We are attaching a screen shot of the website at that address. When MSD received the background requests, Ms. Burns contacted Ms. Sheryl Zimmerer, current Executive Director of Logos, who in turn contacted Ms. Cassie Zimmerer, who told her that this was a mistake on the part of WCC and to not process any of the background checks.

WCC, Mr. VonDoloski and Ms. Cassie Zimmerer strenuously deny attorney Pauck's accusations that Ms. Zimmerer had directed prospective WCC employees to submit background checks to the MSD, that background check costs were to be passed onto Logos or that this was used for personal gain. (September 22, 2017 Pauck Complaint, pg. 2).

VI. ORS 244.050(1)(p) is Inapplicable to This Case.

Attorney Pauck raises the possibility of ORS 244.050(1)(p) applying to this case, with the caveat that the "District is not sure whether the Executive Director of a public charter school is subject to the reporting requirements. . . ." We have researched this issue and do not believe that this statutory section is applicable to an executive director of a public charter school. Consequently, we are not offering any response to this allegation. If, however, the

HORNECKER COWLING LLP

Ronald A. Bersin, Executive Director
Diane Gould, Investigator
Government Ethics Commission
October 10, 2017
Page 7

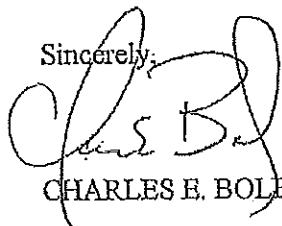
Commission feels that this section is applicable, we are more than happy to address those concerns.

Conclusion

Mr. VonDoloski had nothing to do with the formation of the RFP, its contents, the approval of it, or its publication. The entire RFP process was vetted and approved by legal counsel. This is emphasized and explained thoroughly and repeatedly by Logos in its September 13 and 20 responses to attorney Pauck and the MSD. Ironically, Logos based its RFP format on RFPs issued previously by the MSD. At no time did Mr. VonDoloski violate ORS Chapter 244. WCC did mistakenly send out an employee packet which contained a document with Logos' letterhead. It takes full responsibility for that mistake and the error has been rectified.

Thank you for the opportunity to respond to attorney Pauck's September 22 and October 5, 2017, complaints. Should you require any additional information, please do not hesitate to contact this office.

Sincerely,



CHARLES E. BOLEN

:gmr
Enclosures
cc: Joseph VonDoloski, w/Encs.



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

Website: www.oregon.gov/ogec

April 05, 2018

Oregon State Capitol
Senator Rob Wagner
900 Court Street NE, S-213
Salem, Oregon 97301

RE: Advice 18-0941

Dear Sen. Wagner:

This letter of advice is provided in response to your request received on April 04, 2018, which inquired as to the application of Oregon Government Ethics law with regard to accepting overseas travel and related expenses paid for by 501(c)(3) non-profit organizations. The analysis that follows is offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law applies to the specific circumstances presented.

According to the information provided in your original request, the American Israel Friendship League (AIFL) is coordinating with the National Conference of State Legislatures (NCSL) to send a delegation of US state legislators to visit Israel from April 26 – May 3, 2018. The purpose is to participate in a study tour, which will provide a unique opportunity for the US state legislators to experience the shared modern democratic values that define both nations and to explore the realities of social, economic, and political issues. The delegation will meet with leaders of Israel's national legislature, visit historic sites, discuss common areas of interest, meet with leaders of various industries, and participate in briefings with high-level national and municipal officials. Topics to be discussed may include: cybersecurity, regional politics, renewable energy development, and shared economic issues.

AIFL will be paying the delegates' international airfare from Newark to Tel Aviv, as well as costs associated with in-country transportation, hotel accommodations, most meals, interpretation, and insurance. Each delegate is generally responsible for his/her own domestic airfare to and from Newark, as well as an NCSL processing fee of \$350. However, the Jewish Federation of Greater Portland (JFGP) is offering to cover your domestic airfare up to \$300 in value, so if permissible, you will only be required to personally pay the \$350 NCSL processing fee along with any uncovered overage costs associated with the trip. You will be attending solo, with no other staff or family accompanying.

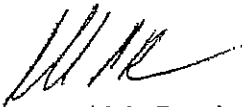
In light of the limitations that Oregon Government Ethics law places on public officials with regard to accepting financial benefits, you are requesting guidance as to whether you can accept AIFL's and JFGP's offers to cover the trip-related costs discussed above.

Generally speaking, ORS 244.025 limits public officials to accepting no more than \$50 worth of gift(s), per year, from any single source that might reasonably have an economic interest in the recipient's decision-making. However, there are a number of exceptions to this general rule (see ORS 244.020(7)(b)), one of which appears to apply in this particular kind of circumstance. ORS 244.020(7)(b)(F) permits a public official to accept—without regard to the limits under Oregon Government Ethics law—"[r]easonable expenses paid by...a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is...represent[ing] state government..." OAR 199-005-0001 clarifies a "fact-finding mission or trip" is any activity related to a cultural...purpose...such as...sharing best practices, or developing intergovernmental relationships directly related to the public official's duties[,] as long as the payor is directly "associated with the event or location being visited." Likewise, OAR 199-005-0001 clarifies that a public official is "representing government" when he/she attends an event on behalf of his/her government entity.

In short, the ORS 244.020(7)(b)(F) exception appears to apply: (1) both sponsoring organizations (AIFL and JFGP) are registered 501(c)(3) organizations; (2) the trip is "fact-finding", because it serves a cultural relationship building purpose related to your official position, and the paying organizations have a direct nexus with Israel; and (3) you were invited to attend as a US state legislator to represent your state and country during the trip.

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: Kwon Meeseon
To: [WEEDN Hayley * OGEC](mailto:WEEDN.Hayley@ogec.org)
Cc: [BROCKER Lori L](mailto:BROCKER.Lori.L@oregonlegislature.gov); [SEN Wagner](mailto:SEN.Wagner@oregonlegislature.gov)
Subject: Sen. Rob Wagner request for OGEC opinion on participation in upcoming NCSL study tour of Israel (April 26–May 3, 2018)
Date: Wednesday, April 04, 2018 3:09:01 PM
Attachments: [NCSL Memo - Israel Study Tour.pdf](#)
[Draft Program - 2018 National Conference of State Legislatures Delegation to Israel.pdf](#)
[Wagner NCSL Israel invite letter 4-2-2018.pdf](#)
[Rob Wagner FFM form 4-4-2018.pdf](#)

Dear Hayley,

The OGEC representative answering the main line referred me to you. I'm reaching out on Sen. Rob Wagner's behalf to request an official OGEC opinion regarding the Senator's potential participation in the National Conference of State Legislatures' upcoming study tour of Israel scheduled from April 26, 2018 through May 3, 2018.

Given that this potential travel is fast approaching, may you please let us know the anticipated turnaround time for an opinion and guidance on any other information we may provide?

With appreciation,

MeeSeon Kwon, *chief of staff*
503-753-6331 (cell)
[Senator Rob Wagner](mailto:Sen.Rob.Wagner@OregonLegislature.gov)

Begin forwarded message:

From: Kwon Meeseon <Meeseon.Kwon@oregonlegislature.gov>
Subject: Sen. Wagner request for approval to participate in upcoming NCSL study tour of Israel (April 26–May 3, 2018)
Date: April 4, 2018 at 2:33:45 PM PDT
To: Sen Courtney <Sen.PeterCourtney@oregonlegislature.gov>, Sen Burdick <Sen.GinnyBurdick@oregonlegislature.gov>, Brocker Lori L <Lori.L.Brocker@oregonlegislature.gov>
Cc: Tom Powers <tom@oregonsenatedemocrats.com>, Suzuki Carol <Carol.Suzuki@oregonlegislature.gov>, Sen Wagner <Sen.RobWagner@OregonLegislature.gov>

Good afternoon, Senate President Courtney, Senate Majority Leader Burdick, and Secretary of Senate Brocker,

Sen. Rob Wagner requests your permission and guidance on how to to participate in the National Conference of State Legislatures' (NCSL) upcoming study tour of Israel scheduled from April 26th through May 3rd, 2018. NCSL invited the Senator to participate; the invitation letter is attached for your reference. Per Tom Powers' direction, we are reaching out to ensure that we follow all necessary steps for approval and in accordance with Oregon ethics rules.

Summary of Funding Sources

NCSL is coordinating the trip logistics with the support of the American Israel Friendship League (AIFL), which would cover the Senator's international airfare from the Newark, New Jersey to Tel Aviv as well as costs associated with in-country transportation, hotel accommodations, most meals, interpretation, and insurance. The locally based nonprofit Jewish Federation of Greater Portland (JFGP; Oregon SOS registry no. 2284719; EIN 93-0386825) has connected with Sen. Wagner regarding this trip and offered to cover his domestic airfare from Oregon to Newark, New Jersey, up to \$300 total. If approved, Sen. Wagner would personally fund any and all over costs associated with this trip, including a \$350 processing fee with NCSL. Sen. Wagner would be going solo, with no other staff or family accompanying him on this trip.

At this point, we have reached out to the Oregon Government Ethics Commission and will soon request official correspondence from them concerning ethics guidance for this trip; and we have spoken with the Secretary of the Senate (copied) and completed and will submit the required Fact-Finding Mission Application form as required by ORS 244.020(7)(b)(H)(i)—also attached.

Given that this potential trip is fast approaching, may you please guide us on any additional steps we must be taking or any other information or details Sen. Wagner may provide concerning this trip and time frame for potential approval of this travel?

Attached:

- NCSL invite letter to Sen. Wagner
- Sen. Wagner Fact-Finding Mission Application form
- Draft NCSL agenda and itinerary
- NCSL memo re: Israel Study Tour

With appreciation,

MeeSeon Kwon, *chief of staff*
503-753-6331 (cell)
Senator Rob Wagner



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

444 North Capitol Street, NW, Suite 515
Washington, D.C. 20001
Tel: 202-624-3573 Fax: 202-559-3339

MEMORANDUM

TO: Israel Study Tour Participants

FROM: Kathy Brennan Wiggins, Director, International Program
Ishanee Chanda, Staff Assistant, International Program

DATE: March 22, 2018

SUBJECT: Study Tour to the State of Israel

Thank you for your continued interest in the 2018 AIFL-NCSL study tour to Israel. As you begin your preparations for the study tour to Israel, April 26-May 3, we would like to provide you with some additional information on the trip.

Plane Tickets

If you have not yet sent your personal data form and a scan of your passport facepage to ishanee.chanda@ncsl.org, please do so by **Friday, March 30th**. As outlined previously, the original flight from JFK to Tel Aviv on El Al has been canceled. AIFL has instead secured a flight from Newark Liberty which leaves at 9:00 p.m. on Thursday, April 26th and lands in Tel Aviv at 2:25 p.m. on Friday, April 27th. The return flight follows approximately the same schedule where it departs Tel Aviv close to 12:00 a.m. on May 2nd, and lands at Newark Liberty at 6:00 a.m. on May 3rd. Therefore, you are responsible for your domestic airfare to and from Newark Liberty Airport rather than JFK International Airport, as well as the processing fee of \$350. You may work directly with AIFL's travel agent Dubi Leshem (212-284-6742) or at dubil@giltravel.com to arrange your international flight. He can also work with you to arrange your domestic flight if you wish.

Accompanying Spouse

Should you wish to bring a spouse on the trip, you will be responsible for the cost of airfare plus an additional cost of \$1,578, which will cover the in-country costs, as well as your processing fee of \$350. **All processing and spouse fees must be paid in advance.** Please send your fees to the address below:

Cassia Romano-Anthony
Director of Programs
America-Israel Friendship League
1430 Broadway, Suite 1804, New York, NY 10018
Direct: 646-892-9147 Email: canthony@aifl.org

If you are sending a check, please make it out to "America-Israel Friendship League."

Bios

Please send Ishanee your preferred half-page narrative bio and picture by **Monday, April 2nd**.

Arrival in Israel and Agenda

All participants will be met at the gate in the Jerusalem airport by a Royal Service Guard. This guard will escort you through the airport, including through customs and baggage claim. They will stay with you until you arrive at your hotel.

NCSL and AIFL will provide you with information on the exact program as soon as it becomes available. Attached to this memo is a draft program. Please keep in mind that the agenda may not be finalized until you arrive in Israel. You will be accompanied by an AIFL staffer at all times while in Israel. They will be available to answer any questions you have onsite. You will also be accompanied by NCSL staffer Ethan Wilson who will be your point of contact from our organization.

Conference Call

There will be a briefing call with AIFL on **Monday, April 23rd at 11:00 A.M. EST**. This will be a briefing on relations between Israel and the U.S, and will allow you to ask our AIFL contacts any questions you may have about the study tour. Please make sure you come fully prepared. We will also be sending you a briefing book shortly.

Passport/Visa

Your passport must be valid through November 2018, and have at least two blank pages. You will not need to obtain a visa to enter Israel; however, you will need to bring your passport on the trip. Please keep it on you at all times while traveling and while in-country.

Insurance

NCSL will provide emergency medical insurance through Berkley Accident and Health while you are on your trip. In order to activate this insurance, **you must fill out the attached emergency contact form and return it to Ishanee**. More information about the insurance is attached to this email. Please print out the card and bring it with you to Israel.

Medication and Immunizations

The U.S. Center for Disease Control (CDC) recommends visitors check with their doctor regarding shots or medication for immunizations before traveling to Israel. For detailed information on diseases and the usual precautions please check the CDC website at <http://wwwnc.cdc.gov/travel/destinations/israel.aspx>. The CDC recommends you visit your doctor 4-6 weeks before you leave. Please carry all medication in original containers in your carry on bag.

Dietary or Mobility Restrictions

If you have any dietary or mobility restrictions, please notify Ishanee as soon as possible so that we may bring this to the attention of our hosts in order to plan accordingly.

Gifts

It is customary to bring gifts to present to your hosts and those you meet with on these types of study tours. **It would be useful for each person to have at least two gifts that are representative of U.S. culture.** Tokens of appreciation that come from your state will be particularly well received. Past gifts have included pewter plates, crystal paperweights, state pens, picture books, non-perishable food products, and manufactured items indigenous to particular states. These gifts should be of high quality and reflect the character of your state. It is also nice to bring small tokens from your state (lapel pins, pencils, etc.).

In some states, the Economic Development Agency, or an equivalent agency that conducts trade missions, may have appropriate gifts. It also can be helpful to ask these agencies for a few facts/figures about your state's relationships with Israel, in the case you are called on to present a gift or respond to questions. NCSL will also bring gifts to present on behalf of the group for major meetings.

Clothing and Baggage

While in Israel, you will be moving around the country so please pack light. It has been recommended that gentlemen pack one suit and tie, a sports coat, a pair of slacks, and a pair of jeans or khakis. Women should plan for a similar wardrobe. Most of the time you spend in country will require casual attire. Pack comfortable shoes for your time there. Keep in mind that Israel has a large conservative population (both Jewish and Muslim) and it is respectful to be modest in your attire. You will also be visiting a home on Friday night for a Shabbat dinner. Business attire will be appropriate for Monday and Wednesday, as seen on the attached agenda.

As you pack, please keep in mind airline weight and baggage restrictions. It is recommended that you pack any medications, toiletries, and a set of clothes in your carry-on bag in the event that you experience any difficulties.

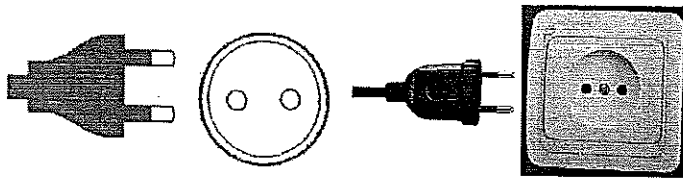
Weather

The temperatures in Israel during this time of year are very warm, in the high nineties during the day with cool overnight lows.

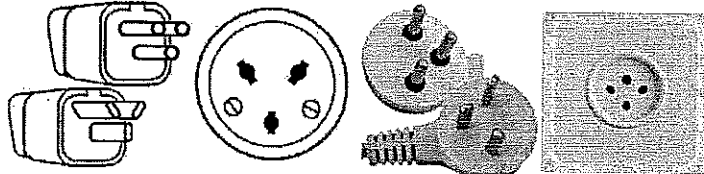
Electricity

The standard electrical voltage in Israel is 230 v AC, 50HZ. The electrical outlets used are type H and type C. Type H is uniquely Israeli three-pronged standard but most outlets are modern European type C plugs.

Type C:



Type H:



Business Cards

Please make sure to bring at least 50 business cards with you. You will be in many settings where business cards are exchanged.

Money & Currency

In Israel, the currency is the New Shekel or *sheqel* for short. The exchange rate as of March 22 is:

\$1 U.S. = NIS 3.48

If you want to check the exchange rate before you leave, you may consult any major newspaper, or www.xe.com for up-to-date conversion figures.

Travelers may exchange foreign currency at any independent exchange bureau or large bank. Most places charge a four-percent commission to exchange cash. ATMs are readily available in cities and are an easy way to access funds and do not charge a commission.

Major credit cards (Master Card, Visa, and American Express) are accepted at large establishments, specifically tourist destinations and hotels, however, it is not recommended to rely on credit cards if you intend to do any shopping. Some tourist destinations accept U.S. dollars. If you plan to use your ATM card or any credit card, please notify your bank or credit card company that you will be out of the country before you travel so that they do not put any holds on your accounts while you are travelling.

Shopping

AIFL will plan opportunities for you to shop. Israel is known for its wine, kosher products, t-shirts, and diamonds. It is one of the best countries for purchasing Judaic and Christian pilgrim souvenirs. While it is legal to purchase antiquities from the small number of government-licensed dealers, exporting them from Israel is illegal except with written authorization from the Israel Antiquities Authority.

Bargaining over the price of goods is a regular practice, so be prepared. Prices in tourist destinations can routinely be haggled to as low as 25% of the asking price. It's easier to make a deal if you buy multiple items from the same vendor.

Tipping

Tipping is usually expected at restaurants. It is standard to give 10-12%. Service charges are generally not included in bills, however many restaurants do charge a security fee. Tipping local guides is expected. Tipping of taxi drivers is not common; in fact, most fares can be negotiated unless the driver uses their meter.

Phone Calls

Many cell phone companies offer international service, so if you would like to take your cell phone with you, please contact your wireless provider. Some U.S. cell phones will function in "roam" mode in Israel. Please check with your provider for details. If you will be bringing your cell phone, please send Ishanee the number. Another option is to purchase international calling cards or international cell phones. You can purchase these on the internet. Of course, you will be able to call internationally from your hotels, but you may want to ask the hotel the price before deciding to do so.

Internet and Hotels

Internet access will be readily available at all of the hotels at which you will be staying. The hotels will also offer business centers if you do not wish to bring your own laptop. Internet cafes are readily available as are cafes with Wi-Fi access. Information on the exact hotels will be shared as soon as it becomes available.

Time Zone

The time zone in Israel is Israeli Standard Time. It is seven hours ahead of Eastern Standard Time. If you would like to find the time difference for you, please use this link: www.timeanddate.com/worldclock/.

Safety Tips

See [travel advisory](#) put out by the State Department. There is some violence between Israeli Forces and Palestinian militants in certain areas but not in areas where you will travel. Most city crime rates are comparatively low to that which occurs in the U.S. The U.S. Embassy advises U.S. visitors to carry their passports with them and out of reach of pickpockets at all times. If you go shopping or sightseeing on your own, you may wish to bring a money-belt. Many travel shops offer the type that is worn underneath your clothing.

Drinking Water

It is safe to drink the tap water in hotels in Israel; however you will also find mineral water to be readily available.

Informative Websites

U.S. Embassy in Israel: <http://usembassy-israel.org.il>.

If you have any questions, please do not hesitate to contact me at kathy.wiggins@ncsl.org or Ishanee at ishanee.chanda@ncsl.org.



in cooperation with



NATIONAL CONFERENCE
of STATE LEGISLATURES
The Forum for America's Ideas

2018 Assembly Speakers and State Legislators Delegation

April 27th – May 2nd

Draft Program

Friday, April 27th, 2018

11.50 a.m. **Arrival in Israel**, El Al Airlines, LY 002

Welcome: Tali Koren, Delegations Coordinator, AIFL Israel Office
Check in David Citadel Hotel

Welcome the Shabbat at the Western Wall

7.00 p.m. Shabbat dinner hosted by Rabbi Ian and Rachel Pear (*daughter of Hon. Bob Abrams, former Attorney General of New York and AIFL Board Member*) and their children,
Gavriella, Michaella, Darya, Eliyahu and Benjamin)

Overnight: David Citadel, Hotel, Jerusalem Address: - King David 7, Jerusalem 9410119 Israel

Saturday, April 28th, 2018

8.00 a.m. Leave for Masada and the Dead Sea

Tour of Masada (*King Herod's palace-fortress and the last refuge of Jewish rebels against Rome a century later*)

Lunch

Float in the Dead Sea

5.00 p.m. Rest and refresh at the hotel

7.30 p.m. Dinner with Dr. Eran Lerman, Senior Research Associate, BESA Center

1 National Office: 1430 Broadway, Suite 1804, New York, NY 10018
Tel-Aviv 69125, Israel

Israel Office: 13 Shlomo Ben Yosef Street

And Faculty Member, Shalem College

Overnight: David Citadel Hotel, Jerusalem

Sunday, April 29th, 2018

- 9:00 a.m. Visit Yad Vashem Holocaust Memorial
- 12.00 p.m. Visit Jerusalem Venture Partners including start ups
- 2.00 p.m. Visit the Holy sites in the Old City: Via Dolorosa, The Church of the Holy Sepulcher,
The Golgotha
- 4.30 p.m. Visit OrCam – (*OrCam is an Israeli-based company producing wearable artificial intelligence space. OrCam develops and manufactures assistive technology devices for individuals who are visually impaired, partially sighted, blind, print disabilities, or have other disabilities*)
- 6.00 p.m. Meeting with Dr. Halil Shikaki, Palestinian Pollster
- 7.30 p.m. Dinner with Prof. Shlomo Avineri, Political Science, Hebrew University

Overnight: David Citadel Hotel Jerusalem

Monday, April 30th, 2018

- 9.00 a.m. Meeting on Cyber Security
- 10.30 a.m. Briefings at the Ministry of Foreign Affairs
 - Middle East Affairs
 - Efforts to Single Out Israel
 - Israel U.S. Relations
- 1.30 p.m. Lunch with Ministry of Foreign Affairs at Turo Restaurant
- 3.00 p.m. Meetings at the Knesset, Israeli Parliament
Speaker of the Knesset, Minister Avi Dichter, MK Michael Oren, *former Israeli Ambassador to the US*
- 5.30 p.m. Visit to Teva Pharmaceuticals
- Dinner with Mayor of Efrat, Oded Ravivi

Overnight: David Citadel Hotel Jerusalem Address: HaYarkon Street 99, Tel Aviv-Yafo 63432 Israel

Tuesday, May 1st, 2018

- 08.00 a.m. Departure to the north of the country
- 10.00 a.m. Visit Holy Sites on the Sea of Galilee and lunch

2

National Office: 1430 Broadway, Suite 1804, New York, NY 10018
Tel-Aviv 69125, Israel

Israel Office: 13 Shlomo Ben Yosef Street

2.30 p.m. Visit Ziv Hospital in Safed and meet with Syrian patients

6.30 p.m. Dinner and visit Daliat El Carmel, Druze Village

9.00 p.m. Arrival in Tel Aviv

Overnight: Dan Hotel Tel Aviv

Wednesday, May 2nd, 2018

8.30 a.m. Breakfast with Mehereta Baruch Ron, Deputy Mayor of Tel Aviv (Ethiopian Origin)

10.00a.m. Visit Bialik Rogozin School (kids of refugees from 40 countries)

11.30a.m. Visit Check Point - (*Check Point Software Technologies Ltd. is an Israeli multinational provider of software and combined hardware and software products for IT security, including network security, endpoint security, mobile security, data security and security management.*)

1.00 p.m. Lunch with Amb. Dan Gillerman, AIFL Chairman in Israel

3.00 p.m. Meeting with Dr. Dan Gold, the Man behind the iron Dome

5.00 p.m. Meeting with IsraAID or IDF Spokesman

7.30 p.m. Farewell Dinner hosted by Amb. David Roet, Director North America Ministry of Foreign Affairs

NB:

1. Meetings were not coordinated yet, but will be coordinated upon receiving list of participants
2. We will try our utmost to secure a meeting with the President of the State of Israel.



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

April 2, 2018

The Honorable Rob Wagner
State Senator
13322 Leslie Court
Lake Oswego, OR 97034

Deb Peters
Senator - District 9
South Dakota
President, NCSL

Chuck Truesdell
Fiscal Analyst
Office of Budget Review
Legislative Research Commission
Kentucky
Staff Chair, NCSL

William T. Pound
Executive Director

Dear Senator Wagner:

On behalf of the National Conference of State Legislatures (NCSL) it is my pleasure to invite you to participate in a study tour to Israel. The American Israel Friendship League (AIFL) has asked NCSL to assemble a delegation to visit Israel from April 26-May 3rd. This legislative study tour will provide a unique opportunity for U.S. state legislators to gain a greater understanding of another country's culture and customs, as well as a chance to witness firsthand Israel's position in the Middle East and the world.

The AIFL's goal is to enable delegates to experience the shared modern democratic values that define both nations and to explore the realities of the country, covering social, economic and political issues. During this exciting week, the delegation will meet with leaders of the Knesset (national legislature), visit historic sites, and discuss with your Israeli counterparts common areas of interest. You will meet with leaders of various industries and participate in briefings with high-level national and municipal officials. 2018 marks the 70th anniversary of the founding of the state of Israel, with many special events and celebrations.

Topics to be discussed may include, but are not limited to: cybersecurity; security concerns; regional politics; renewable energy development; and shared economic issues. Israel is a vital regional ally for the United States, situated at the crossroads of East and West. Israel is comprised of varied religious, political, and historical contrasts and offers many insights on public and foreign policy for U.S. state legislators to explore.

The AIFL will be responsible for international airfare (economy class) on a direct flight from Newark to Tel Aviv. The preferred flight to Israel is via El Al departing Newark Liberty on Thursday, April 26th at 9:00pm arriving at Ben Gurion Airport, Israel at 2:25 pm on Friday April 27th and returning to the US via El Al on May 3rd arriving at Newark Liberty at approximately 6:00am.

AIFL will cover the cost of all in-country transportation, hotel accommodations, most meals, interpretation, and insurance. Each member of the delegation is responsible for his or her domestic airfare to and from JFK International Airport and a processing fee of \$350. Should you wish to bring a spouse on the trip, you will be responsible for the cost of airfare plus an additional cost of \$1,578, which will cover the in-country costs. Past participants have greatly enjoyed the experience.

Denver
7700 East First Place
Denver, Colorado 80230-7143
Phone 303.364.7700 Fax 303.364.7800

Washington
444 North Capitol Street, N.W. Suite 515
Washington, D.C. 20001
Phone 202.624.5400 Fax 202.737.1069

Website www.ncsl.org
Email info@ncsl.org

April 2, 2018
p. 2

Please respond by March 30th to Kathy Brennan Wiggins by email at kathy.wiggins@ncsl.org. If you are interested in participating, please fill out the attached personal data form and return it to Ishanee Chanda at Ishanee.Chanda@ncsl.org.

Sincerely,



State Senator, South Dakota
President, National Conference of State Legislatures

Mk ✓
44



Oregon Senate Fact-Finding Mission Application & Approval Form

This application will be used to review and officially approve fact-finding missions allowed under ORS 244.020(7)(b)(H)(i) and required to be reported under ORS 244.060(6) if the expense per member is estimated to exceed \$50. This application must be submitted to the Secretary of the Senate **no later than 14 days** before the start of the fact-finding mission unless, as determined by the secretary, good cause exists for submitting the application after the deadline. To promote transparency, all approved applications and accompanying materials will be posted on the Secretary of the Senate's website.

Description of mission: National Conference of State Legislatures study tour of Israel

Issue(s) or legislation related to mission: Israeli legislators, foreign relations

Location of mission: Tel Aviv, Israel

Date(s) of mission: Thursday, April 26th, 2018 - Thursday, May 3rd, 2018

Person/entity paying expenses: American Israeli Friendship League and Jewish Federation of Greater Portland

Address of person/entity paying expenses: AIFL: 1430 Broadway, Suite 1804
New York, NY 10018
JFGP: 6600 SW Capitol Hwy, Portland OR 97219

Invited members (select one):

All senators The following senators: Senator Rob Wagner

All senators on the Committee(s)/Task Force(s) on: _____

Staff invited: Yes No Relatives/household members invited: Yes No

Activities will be limited to a factual investigation or other educational purposes: I agree.

The mission is not being conducted for campaign or partisan political purposes: I agree.

Please include the following required attachments with this application:

1. Written opinion from the Oregon Government Ethics Commission concluding that the event is a permitted fact-finding mission under ORS 244.020(7)(b)(H)(i) and the rules of the commission.
2. Written itinerary or agenda for all scheduled meetings, events, presenters, meals, travel, lodging, or other activities planned during the mission.

Within thirty (30) days after completion of the mission, please submit the following required documents to the Secretary of the Senate, which will be posted on the secretary's website:

1. An attendance sheet listing all senators, staff, relatives, household members, lobbyists, and all others who participated in the mission.
2. The aggregate value of food, travel, and lodging expenses provided to each senator, staff member, relative, and household member of the senator. The aggregate value of expenses for each person shall be determined in the same manner as required by the Oregon Government Ethics Commission for disclosure on a Statement of Economic Interest under ORS 244.060(6).
3. Written confirmation that the mission was conducted substantially according to the itinerary or agenda submitted with the application and, if the mission varied materially from the submitted itinerary or agenda, a written account describing the material variations (i.e., any additional meetings, events, presenters, meals, travel, lodging).

Failure to submit this information within thirty (30) days after completion of the mission will result in an automatic denial of all future applications submitted by the applicant signing below and the person or entity listed above as paying expenses.

By signing below, I hereby declare that all information submitted at any time by me, or on my behalf, to the Oregon Senate in connection with this application and fact-finding mission is correct to the best of my knowledge and belief.

Signature of applicant: *Rob Wagner* Date: 4/4/2018

Name of applicant (print): Rob Wagner, State Senator, SD 19

Address: Capitol office: 900 Court St NE, Salem OR 97301; Home: 13322 Leslie Ct, Lake Oswego OR 97084

Telephone number: Capitol phone: (503) 986-1719; personal cell: (503) 705-4158

E-mail address: sen.robwagner@oregonlegislature.gov; rob@robwagnerfororegon.com

All information above is required for the application to be considered.

For Official Use Only

Based on the written conclusion of the Oregon Government Ethics Commission and the information submitted by the applicant, under ORS 244.020(7)(b)(H)(i) this fact-finding mission is hereby:

Officially Sanctioned

Denied

Secretary of the Senate

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

Website: www.oregon.gov/ogec

April 17, 2018

Dave Dillon
c/o AG-PAC
1320 Capitol St NE, STE 200
Salem, OR 97301

RE: Advice 18-1091

Dear Mr. Dillon:

This letter of advice is provided in response to your request received on April 17, 2018 which presented a question regarding the application of Oregon Government Ethics law regarding an educational tour July 19, 2018 sponsored by AG PAC Educational Services, Inc. (AgPAC). The following analysis and advice is being offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances you have presented.

Your letter states AgPAC wants to host an educational tour for public officials and candidates. During this tour, AgPAC will provide and pay for meals and transportation. In the request you have asked what restrictions or requirements Oregon Government Ethics law may impose on public officials and candidates who wish to participate in this tour. How Oregon Government Ethics law applies to public officials differs from its application to candidates.

It is apparent that AgPAC may have legislative or administrative interest, as defined in ORS 244.020(10), which is an economic interest that is distinct from the economic interest held by members of the general public in matters subject to the decisions or votes by individual public officials who may participate in the planned event.

Under most circumstances when a public official is offered food, beverage and travel at no cost to the public official, it would be a gift as defined in ORS 244.020(7)(a). ORS 244.020(7)(b) excludes several items from the statutory definition of "gift", including reasonable food, travel expenses provided to a public official when representing government.

ORS 244.020(7)(b)(H) allows acceptance of the payment of reasonable expenses for food and travel for public officials, relatives, members of the household, or staff members of the public official accompanying the public official, when the public official is



Dillon
April 17, 2018
Page 2

representing their government agency during an officially sanctioned trade-promotion or fact-finding mission. [OAR 199-005-0020(3)(b)]

Based on the information you provided it appears that ORS 244.020(7)(b)(H) would allow public officials to accept meals and transportation expenses to participate in the tour, which appears to meet the definition of a fact-finding mission, as defined in OAR 199-005-0001(2).

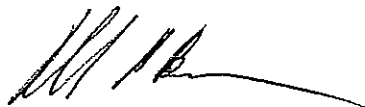
With regard to candidates who are not otherwise public officials, paid expenses for food and travel would also be defined as a gift, however, ORS 244.020(7)(b) does not provide that these expenses be excluded from the gift limitations as defined in ORS 244.025. Candidates for public office would be limited to accepting gifts with an aggregate value of no more than \$50 per calendar year from Ag-PAC.

The public officials who participate in the event and who must file an Annual Verified Statement of Economic Interest form with the Oregon Government Ethics Commission would be required to report the aggregate value of these paid expenses pursuant to ORS 244.060(6) if the value of what they receive exceeds \$50.

Although it is not required that AgPAC, as the source of a gift, provide a detailed cost analysis of a gift, it would be a courtesy to the public officials who may wish to participate in this event to receive a statement with the aggregate value of expenses paid on their behalf for filing purposes.

If you have any additional questions regarding the application of Oregon Government Ethics law please feel free to contact me directly.

Sincerely,



Ronald A. Bersin
Executive Director

RAB/th

*****DISCLAIMER*****

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.

ethicsOP5

**2018 AG-PAC
Educational Services
Association
Board of Directors**

Associated Oregon Loggers
K.C. VanNatta

Columbia Gorge Fruit Growers
Amanda Dalton

Far West AgriBusiness Association
Jim Fitzgerald

Food NW
Craig Smith

J.R. Simplot Company
Ken Dey

NW Ag Cooperative Council

Oregon Association of Conservation
Districts
Jerry Nicolescu

Oregon Association of Nurseries
Jeff Stone

Oregon Cattlemen's Association
Ray Sessler

Oregon Dairy Farmers Association
Matt Perrin

Oregon Dairy Women
Jill Hewitt

Oregon Farm Bureau Federation
Barry Bushue and Dave Dillon

Oregon Grass Roots Alliance
Bill Hoyt

Oregon Seed Council
Roger Beyer

Oregon Water Resources Congress
Brent Stevenson

Oregon Women for Agriculture
Marie Bowers

Oregonians For Food and Shelter
Katie Fast

Umatilla Electric Cooperative, Inc.
Alec Shebiel

AG-PAC Educational Services Association

1320 CAPITOL STREET NE STE 200 SALEM OR 97301

April 13, 2018

Ron Bersin
Oregon Government Ethics Commission
3218 Pringle DR SE, Ste. 220
Salem, OR 97302-1544

Dear Mr. Bersin,

AG-PAC Educational Services, Inc is a 501(c)4 nonprofit comprised of members representing Oregon's natural resource industries including agriculture and forestry. A current list of these organizations and their representation on the Board of Directors is to the left on this letterhead.

This letter serves as a request for a written opinion on a proposed educational tour that AG-PAC Education Services, Inc. is planning to do in partnership with its membership on June 19, 2018. The tour will be similar to ones done in previous years and that your agency have approved.

The objective of the tour is to educate and inform state and federal government officials and candidates for public office about the diversity of production agriculture, the contributions of the natural resources sectors to Oregon's economy and the production issues facing farmers, ranchers and foresters.

The tour will highlight a cross-section of natural resource industries by bringing participants onto farms and related agri-businesses. This allows participants to interact directly with producers and visualize how products are produced, transported and marketed.

Food and transportation will be provided and paid for by AG-PAC Educational Services, Inc. The food and beverages will include a continental style breakfast, a box lunch, a late afternoon reception of hors d'oeuvres and water provided throughout the day. It is estimated that two commercial passenger buses will be used.

**2018 AG-PAC
Educational Services
Association
Board of Directors**

Associated Oregon Loggers
K.C. VanNatta

Columbia Gorge Fruit Growers
Amanda Dalton

Far West AgriBusiness Association
Jim Fitzgerald

Food NW
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Oregon Seed Council
Roger Beyer

Oregon Water Resources Congress
Brent Stevenson

Oregon Women for Agriculture
Marie Bowers

Oregonians For Food and Shelter
Katie Fast

Umatilla Electric Cooperative, Inc.
Alec Shebiel

AG-PAC Educational Services Association

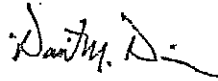
1320 CAPITOL STREET NE STE 200 SALEM OR 97301

It is estimated that the cost per participant will be \$70.00. Since this is a fact-finding event, elected officials and other public officials will attend at no cost. Candidates for elected office will pay \$70.00 to attend the tour.

A written response clarifying that this is a fact-finding tour and that it meets the statutory requirements is sincerely appreciated.

Thank you for your assistance. Please do not hesitate to contact me for additional information.

Sincerely,



Dave Dillon,
Chairman



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

Website: www.oregon.gov/ogec

April 20, 2018

Paul Rosenbaum
2945 NW Luray Terrace
Portland, Oregon 97210

RE: Advice 18-1101

Dear Mr. Rosenbaum:

This letter of advice is provided in response to your request received on April 12, 2018, which inquired as to the limits Oregon Government Ethics law places on you as a public official regarding the extent to which you may participate in matters that could financially affect one of your business associations. The analysis that follows is offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law apply to the specific circumstances presented.

According to the information provided in your email, for over 10 years you have been investing in the stock of a company named Park City. However, since becoming Chair of the Oregon Liquor Control Commission (OLCC), you have not purchased any additional Park City stock. Moreover, you have no intent of trading any of Park City's stock as long as OLCC is considering doing business with the company. You wish for OLCC to contract with a company like Park City, because doing so would allow data collected by OLCC to be sold to third parties without violating the law. You believe such a business partnership would be highly beneficial, as it has the potential to create substantial revenue for the State at no additional cost. You have notified OLCC's Executive Director and board, the Oregon Attorney General, and the Oregon Government Ethics Commission of your pre-existing business association with Park City and how it might be affected by actions, decisions, or recommendations you make as OLCC Chair.

Nevertheless, as this is an ongoing matter, you would like further guidance as to how to properly handle situations that may involve Park City in your role as OLCC Chair in the future.

In short, Oregon Government Ethics law does not outright prohibit you from participating as OLCC Chair in the formation of such a business partnership.



However, it does require your diligence in ensuring that you do not use your position to obtain any opportunities for financial benefit for yourself or Park City, as well as requires your compliance with the conflict of interest laws.

As you know, ORS 244.040(1) prohibits a public official from using or attempting to use his public position to obtain financial gain or avoid financial detriment for himself, a relative or household member, or any business with which the public official, relative or household member is associated, *if* the opportunity would not otherwise be available but for the public official holding the public position. In other words, you are prohibited from attempting to obtain any form of financial benefit from OLCC (for yourself or Park City) that a similarly situated member of the public does not have the same opportunity to access or obtain.

More specifically, this means that if OLCC is going to consider doing business with a data company like Park City, other similarly situated companies (which are not business associations of public officials, their relatives or household members) must have equal opportunity to apply and be selected. To that end, this Commission generally requires the awarding of such business contracts or job opportunities be the result of an open and competitive process, and that the opportunity was reasonably advertised to members of the general public who might apply. To ensure that a company is not selected merely as a result of your position or influence as OLCC Chair, I would recommend OLCC relying on a set of standard criteria for making its decision, by which the qualifications and benefits of each potential business partner is measured and compared.

Furthermore, to even request, recommend or otherwise advocate that OLCC should consider forming a business partnership with Park City—or that it should consider hiring any private business for work that Park City might reasonably be contracted to perform—may in itself be an Oregon Government Ethics violation. As discussed above, such a request or recommendation might be considered an attempt to obtain a personal financial benefit in violation of ORS 244.040(1), if a member of the general public would not have the same opportunity to make such a request or for it to be earnestly contemplated by OLCC staff or board. Such a request or recommendation might also (or alternatively) be considered a conflict of interest if made while acting in your official capacity as OLCC Chair, which, if not properly handled, would also violate Oregon Government Ethics law.

Under Oregon Government Ethics law, there are two kinds of conflicts of interest—“actual” and “potential”. In general, as a public official, you have a conflict of interest anytime you undertake any official *action, decision or recommendation*, which “would” (an “actual” conflict) or “could” (a “potential” conflict) financially affect you, your relative, or any business with which you or a relative is associated (ORS 244.020(1), (13)). As you can see, the difference between “actual” and “potential” conflicts is determined by the words “would” and “could.” To clarify, an actual

conflict occurs when a public official participates in an official action that would have a direct and specific financial impact, whereas a potential conflict exists when, at most, the action could possibly have financial impact.

For example, as alluded above, to suggest that OLCC consider employing Park City, or any private company for work that it might hire Park City to do, would be a "potential" conflict of interest. Similarly, other conduct—like advocating for Park City during OLCC deliberations, making preliminary decisions on the matter while hiring Park City is still a possibility, or even participating in any OLCC deliberations related to this matter at all as long as Park City is a consideration—are all examples of "potential" conflicts of interest. Quite simply, you'll essentially have a "potential" conflict of interest anytime you participate in any matter as OLCC Chair, the result of which might financially affect you or Park City.

An "actual" conflict of interest, on the other hand, will arise anytime the result of your conduct or commission action will (barring any unforeseen possibilities) financially affect yourself or Park City. However, it is not necessary to know the extent or exact amount of financial impact for a matter to constitute an "actual" conflict; rather, it's enough to know with a certainty that there will be some kind of financial or economic impact. For example, by the time OLCC comes to the point of making a decision as to which business to hire (or whether to hire at all), you would have an "actual" conflict of interest as to voting on the matter.

Anytime a of conflict of interest arises (actual or potential), public officials who serve as members of governing bodies (such as OLCC commissioners) must publicly announce what the conflict is, before they are permitted to participate in the matter (ORS 244.120(2)). Since members of governing bodies are generally required to deliberate towards making decisions in public meetings, public meetings are typically the venue where conflicts of interest are publicly announced. OGEC staff generally recommend this as best practice, but if you're ever met with a conflict that you are unable to announce in a public meeting, please don't hesitate to contact OGEC for further guidance on how to handle that specific situation. Also note that because the law requires a public announcement be made every time the conflict arises, you must be diligent to make the requisite public statement each and every time the matter in question comes up at OLCC.

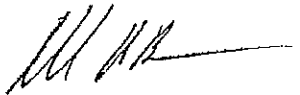
Moreover, anytime you're faced with an "actual" conflict, you must go one step further to—after making the public announcement—also refrain from participating (ORS 244.120(2)). Please note here that as long as you are physically present when a matter arises in which you are conflicted, you must publicly announce and refrain as required. Simply remaining silent or leaving the room is not sufficient to avoid or dispose of any kind of conflict.

Rosenbaum
April 20, 2018
Page 4

In closing, please be advised that the basis of this inquiry was limited to discussing issues related to the prospect of OLCC doing business with Park City. However, you should also be mindful that if OLCC does decide to do business with Park City, you must continue to take particular care and diligence in ensuring compliance with Oregon Government Ethics laws, especially when participating in matters that will or might financially affect Park City as an OLCC business partner.

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/tw

*****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: BERSIN Ron A * OGEC
Sent: Thursday, April 12, 2018 2:38 PM
To: WEEDN Hayley * OGEC <Hayley.WEEDN@oregon.gov>
Subject: FW: Per our Conversation --Potential Conflict of Interest

Please respond. We can talk about our conversation. 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: Paul Rosenbaum [<mailto:exitpoll@aol.com>]
Sent: Thursday, April 12, 2018 2:34 PM
To: BERSIN Ron A * OGEC <Ron.A.Bersin@oregon.gov>
Cc: MARKS Steven * OLCC <Steven.Marks@oregon.gov>; HIGLIN Will * OLCC <Will.Higlin@oregon.gov>
Subject: Per our Conversation --Potential Conflict of Interest

Dear Chairmen Bersin:

Thanks for taking my call yesterday. I appreciate your time and counsel

As I stated, I'm Chairmen of the OLCC.

Many years ago I brought stock in a company called Park City.

I have been a passive investor for over ten years. Since I have become Chairmen of the Liquor Control Commission I have not purchased any additional Stock in the Company. In addition, as long as the OLCC is in any discussion with the Company I will not trade the stock.

I believe that the Company may have the necessary tools to add great value and therefore substantial revenue to the State without adding additional expenses to the State. That's possible because the data obtained can be sold to third parties without violating any statutes or regulations of the State.

As per our discussion, I have notified the EX Dir of the OLCC, The Attorney General of Oregon and of course yourself as Chairperson of the State Ethics Board. Most of my fellow Board members know as well.

There is only a possibility of doing business with the company as of today. Yet, if the company meets the specific goals that we require, and no other company can match those goals, the situation changes. I plan on moving as fast as we can to create these new data possibilities.

As you stated I have a potential conflict of Interest as of this moment.

Please consider this email as my sincere obligation to notify you and comply in every aspect of the Ethics Board reporting requirements..

I await further instructions if any as to how I should handle this situation?

Paul Rosenbaum

Chairperson OLCC

DANIEL Kathy * OGEC

From: DANIEL Kathy * OGEC
Sent: Monday, April 30, 2018 10:37 AM
To: HUNTER David * OGEC
Subject: FW: Ethics Commissioners Conduct and Findings on March 30th
Attachments: BSD 11-5-2017 invoice.png; BSD 11-12-2017 invoice.png; BSD 1-21-2018 Invoice.png; School Dude OGEC Memorandum 1.png; School Dude OGEC Memorandum 2.png; westview Facility Use November (school Dude).png; Westview Facility Reservation December (school dude).png; Westview Facility Reservation January (School Dude).png; Westview Facility Reservation Jan. Cont. (school dude).png; Wildcats VBC Parent Meeting 11-20.png; Wildcats informational flyer.png; wildcats VBC Practice 11-26.png; Wildcats VBC Practice 11-30.png; Wildcats VBC practice 12-3.png; wildcats VBC practice 12-7.png; wildcats VBC practice 1-2.png; wildcats VBC practice 1-4.png; Wildcats VBC practice 1-15.png; Wildcats VBC practice 2-8.png

From: Linda Nezbeda [mailto:lindanezbeda@aol.com]
Sent: Sunday, April 29, 2018 5:28 PM
To: DANIEL Kathy * OGEC <Kathy.DANIEL@oregon.gov>
Subject: Fwd: Ethics Commissioners Conduct and Findings on March 30th

Kathy,

I attempted to send this through the mail address as advised on Friday, but the address bounced back. Can you please see the commissioners receive this. Thank you for your assistance.

Linda Nezbeda
lindanezbeda@aol.com

-----Original Message-----

From: Linda Nezbeda <lindanezbeda@aol.com>
To: mail.OGEC <mail.OGEC@oregon.gov>
Cc: ron.a.bersin <ron.a.bersin@oregon.gov>; colt.gill <colt.gill@state.or.us>; stephen.elzinga <stephen.elzinga@oregon.gov>; kim.sordyl <kim.sordyl@oregon.gov>; lindsey.d.capps <lindsey.d.capps@oregon.gov>
Sent: Sun, Apr 29, 2018 5:20 pm
Subject: Ethics Commissioners Conduct and Findings on March 30th

Attention Ethics Commissioners:

Alison Kean
Richard Burke
Dan Golden
Nathan Sosa
David Fiskum
Charles Starr
Dan Mason
Kamala Shugar

Re: March 30th Executive Session Audio Recording

Dear Ethics Commissioners,

My name is Linda Nezbeda and I'm writing to you to express concerns regarding the three complaints I filed with the commission.

On March 30th, it was my understanding the commissioners should have reviewed the preliminary findings of these complaints. After reviewing the audio content of this executive session and hearing the multiple conversations expressing anger and negativity against myself, the complainant, I am asking you to reconsider your decision to dismiss two complaints based on evidence that may have not been reviewed during this time.

Due to some comments heard, I wanted to clarify some misconceptions. I did not file any complaints just because my daughter didn't make a school team, I currently have no children in high school. Comments and jokes like 'Volleyball watchdog' and insinuating that I'm taking advantage of the system is inaccurate, and 'she should get a hobby' is irrelevant to the complaints. Furthermore, there was clear frustration from you regarding my filing multiple complaints. With an open appeal with the Oregon Department of Education, it was at their direction, and the Secretary of State, to file complaints with the Ethics Commission due to jurisdiction. Ms. Gould was made aware of this. If it is standard practice by this commission that a complainant can only file one complaint at time, I was not made aware of this.

The appeal is focused on possible gender discrimination in school sponsored sports where there is a cost disparity between genders. For example, Volleyball across the district may cost a girl between \$800-\$1,300 to play, whereas for wrestling, \$0-\$225 with more opportunities. This disparity may be occurring due to the blurred lines of a public service being operated by a public employee who also runs a personal business relating to that service. The reason it's not happening in wrestling, because all their camps and clubs are run through the school, and there is no charge for students to attend. It was mentioned on several occasions that the staff are providing a good service to kids, however, it provides no service to the kids who can't afford it, and often, they are more likely to need these additional programs to keep them engaged in school.

Regarding these three dismissed complaints:

- * Ms. Wilson, the Aloha High School coach, the commission appeared to agree that she operated her business inappropriately and possibly violated Ethics laws. Ms. Wilson stated she only did what she was instructed to do by the coach before her. Commissioner Sosa mentioned an investigation would help identify who instructed her to set up her business the wrong way. Perhaps if there wasn't so much personal frustration from commissioners upon learning that I filed another complaint while calling Ms. Brandt five minutes later, you may have realized she was the employee that instructed Ms. Wilson; as she just transferred from Aloha High School.
- * Ms. Brandt case was dismissed due to her paying for school facility use to conduct her business, Wildcats Volleyball Club. In the documentation, she provided three invoices for facility use, central administration provided information on the new facilities rental process 'School Dude' and Tier Classification. Ms. Brandt was listed as a Tier C in these invoices (a charging business). We are not only concerned with the fact that the three invoices given to OGE are dated the day after I filed a complaint, but she ran many more practices that have not been reserved through school dude or invoiced.

Ms. Brandt sent informational flyers regarding her personal business to students, stating practices will be held twice a week at Westview High School beginning in November. Ms. Brandt has been running her practice at the school since then and is currently still doing so. There have been no invoices for any of these dates, as all invoiced dates given to OGE are for a Sunday, where as these practices are often occurring on Thursdays. Please see attachments.

Due to this complaint being dismissed because she pays for facilities, uses the proper method, and doesn't use school resources, I ask you to reconsider your decision. There is no evidence she went through the proper process, as she isn't listed like other organizations. There is no evidence that she is paying for her current facility use involving her personal business.

- * Mr. Salness complaint was dismissed with very little discussion. Mr. Salness questioned on why I didn't provide student and families names who had concerns, so he could speak with them. There are several allegations that Mr. Salness harasses, intimidates, and heavily pressures students to participate in his business during his school sponsored Volleyball program, and during school hours as a teacher. This has created an environment of fear in families, as they worry retaliation is possible against their children for speaking up. If an investigation occurred, more details could have been shared, and more information could have been obtained regarding Ethics Commission policies regarding minors, retaliation procedures, etc. I ask you to reconsider your decision in dismissing Mr. Salness, as he is promoting his business at school, and possibly harassing students to participate.

Thank you for taking the time to read my request for reconsideration on these two complaints. I also hope the position of this Ethics commission to treat everyone filing claims with dignity and respect. To not rush to personal judgement and false perceptions of individual complainants so that facts and evidence surrounding claims can be reviewed objectively.

Thank you.

Sincerely,
Linda Nezbeda

INVOICE

DATE	INVOICE NO
1/29/2018	1828
DUE DATE	
2/28/2018	

Remit Payment To:
 Beaverton School District Facility Use
 76550 SW Meigs Rd
 Beaverton, Oregon 97003-5152

Contact: Facility Use Office
 Phone No: (503) 250-4619

BILL TO
 Wildcat Volleyball Club
 Janelle Brandt
 Wildcat Volleyball Club
 Sales Tax Exemption No.

Email: Net103477@psdno.com
 Phone No:
 Fax No:
 FEIN:

COMMENT			
DEPOSIT	DOCUMENT NUMBER	PO NUMBER	TERMS
\$0.00			Net 30

Schedule ID: 12884
 Location: Westview High School
 Buildings: Westview HS Athletics
 Area:
 Room(s): Westview HS Auditorium / A Gymnasium

Event	11/5/2017	9:00AM	-	11:00AM	Youth Club Vb Events	
Quantity	Description	Hours	Rate	Amount	Tax Amount	Total
1	High School	2	\$65.00	\$130.00	\$0.00	\$130.00
Event Total Costs				\$130.00	\$0.00	\$130.00

Invoice Total: \$130.00
 Total Sales Tax: \$0.00
 Total Payments: \$130.00
 Total Due: \$0.00

Rebill Payment To:
 Beaverton School District Facility Use
 16550 SW Myrtle Rd
 Beaverton, Oregon 97003-5102

DATE	INVOICE NO
1/29/2018	1627
DUE DATE	
2/29/2018	

Contact: Facility Use Office
 Phone No: (503) 356-4519

BILL TO

Wildcats Volleyball Club
 Janelle Brandt
 17632 NW Springville Rd #03
 Portland, OR 97229
 Sales Tax Exemption No:

Email: Nellca17@purdue.com
 Phone No: 502-399-4510
 Fax No:
 FEIN:

DEPOSIT	DOCUMENT NUMBER	PO NUMBER	TERMS
\$0.00			Net 30

Schedule ID: 112294
 Location: Westview High School
 Building(s): Westview HS Athletics

Area:
 Room(s): Westview HS Athletics | A Gymnasium 1

Event: 11/13/2017 9:00AM - 11:00AM Youth Club vs Bruins

Quantity	Description	Hours	Rate	Amount	Tax Amount	Total
1	High School	2	\$65.00	\$130.00	\$0.00	\$130.00
Event Total Costs				\$130.00	\$0.00	\$130.00

Invoice Total: \$130.00
 Total Sales Tax: \$0.00
 Total Payments: \$130.00

INVOICE

INVOICE N	DATE
1829	1/29/2018
DUE DATE	
2/28/2018	

Payment For
 School District Facility Use
 30 SW Meind Rd
 Astoria, Oregon 97103-5152

Facility Use Office
 Phone No: (503) 356-4619

LL TO
 Midcats Volleyball Club
 Hannah Brandl
 7532 NW Springfield Rd #D3
 Astoria, OR 97129
 Sales Tax Exemption No.

Email: Nej10317@uno.com
 Phone No: 503-939-4610
 Fax No.
 FEIN

COMMENT

DEPOSIT	DOCUMENT NUMBER	PO NUMBER	TERMS
\$0.00			Net 30

edule ID: 18797
 ation: Westview High School
 Area:
 Room(s): Westview HS Athletics / A Gymnasium-1
 ding(s): Westview HS Athletics

Date: 1/21/2018
 Time: 5:00PM - 7:00PM
 Description: NOT School Sponsored Youth Club Vb practice

Quantity	Description	Hours	Rate	Amount	Tax Amount	To
1	High School	2	\$65.00	\$130.00	\$0.00	\$130
Event Total Costs				\$130.00	\$0.00	\$130

Invoice Total \$130
 Total Sales Tax \$0
 Total Payments \$130
 Total Due \$0

MEMORANDUM

DATE: February 23, 2018
TO: File
FROM: Diane Gould
Investigator
RE: Respondent: Janelle Brandt
Case No: 18-011EDG
SUBJECT: Kathy Gray, Facilities Use Director
Beaverton School District

I spoke with Kathy Gray at 503-958-4645. She heads a 2 person office for Beaverton School District (District), which has 54 locations and schedules 4,000 events per month. The office is called the Facility Use Department.

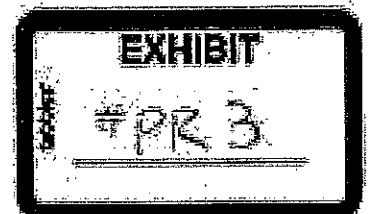
Two years ago they transitioned to an on-line approval system called School Dude for users to make requests for space. The

When requests are made in the system, they are routed to the particular location first, then they go to the risk management department for insurance vetting, and then to the Facility Use department for scheduling of space, assignment of personnel such as building monitor or custodian (if necessary), and eventual billing and collection of fees.

The District charges use fees as follows:

- Tier A is all school sponsored athletics and activities;
- Tier B is for use where attendance is open to the public and admission is free and if fundraising activities are involved, the majority of profits raised goes to the school approved Booster Club or Parent/Teacher Organization;
- Tier C is for use by commercial entity, community sponsored club sports, profit and non-profit groups, and private parties;
- Tier D is for long term leases/intergovernmental agreements (IGAs) or other written agreements such as Daycare or the Tualatin Hills Parks and Recreation Department and the YMCA;
- Tier E is for Governmental, City, County, State Agency Use.

Invoicing takes place after the use is complete, and sometimes a few months following the use. If personnel is used (monitor or custodian) the Facilities Use dept must wait for



the timesheets to be processed at the end of the month and match their time to the specific schedule ID# assigned automatically to each use request.

For the specific invoices in this case, they were billed to Wildcats Volleyball Club c/o Jamelle Brandt at her home address, contact information was her personal email and phone.

The amounts charged were at the "commercial" user Tier C rate of \$65.00 per hour for the gym at Westview High School.

The three invoices provided by Mrs. Brandt in response to the complaint are summarized below:

1. Space request was made on 10/10/17 for 2 hours gym use on 1/15/17. Invoice 1626 dated 1/29/18 issued for \$130.00, and paid on 2/1/18.
2. Space request was made on 1/17/17 for 2 hours gym use on 1/12/17. Invoice 1627 dated 1/29/18 issued for \$130.00, and paid on 2/1/18.
3. Space request was made on 12/12/17 for 2 hours gym use on 1/21/18. Invoice 1629 dated 1/29/18 issued for \$130.00, and paid on 2/1/18.

Mrs. Gray is researching the payor and date of payment to confirm what Mrs. Brandt has hand written on the invoices.

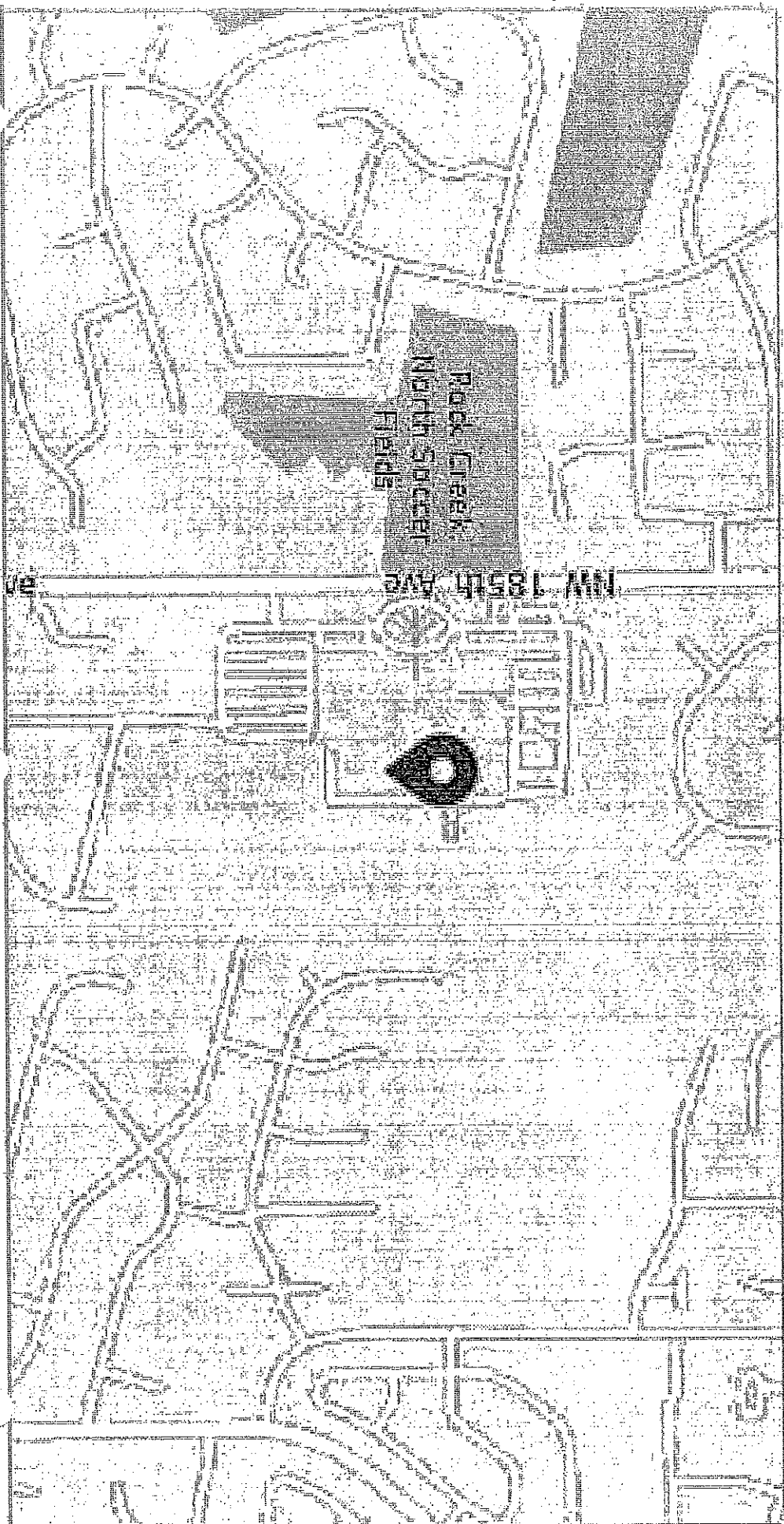
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	31	1	2
4 WHS Basketball/Wrestling p/c	5 WHS Basketball/Wrestling p/c	6 WHS Basketball/Wrestling p/c	7 WHS Basketball/Wrestling p/c	8 WHS Basketball/Wrestling p/c	9 Rose City Championship WHS Basketball/Wrestling p/c	10 Rose City Championship BBX/GBX/WRES/CF p/c
THPRD Youth Soccer Westview Mat Club	THPRD Youth Soccer Westview Mat Club	THPRD Youth Soccer Westview Mat Club	THPRD Youth Soccer Westview Mat Club	THPRD Youth Soccer Westview Mat Club	Dance/Cheer/Band p THPRD Youth Soccer	THPRD Youth Lacrosse
11 WHS Basketball/Wrestling p/c	12 WHS Basketball/Wrestling p/c	13 WHS Basketball/Wrestling p/c	14 WHS Basketball/Wrestling p/c	15 WHS Basketball/Wrestling p/c	16 WHS Basketball/Wrestling p/c	17 Basketball/Wrestling p/c
Dance/Cheer/Band p THPRD Youth Soccer Westview Mat Club	Dance/Cheer/Band p THPRD Youth Soccer Westview Mat Club	Dance/Cheer/Band p THPRD Youth Soccer Westview Mat Club	Dance/Cheer/Band p THPRD Youth Soccer Westview Mat Club	Dance/Cheer/Band p Fall Band Concert THPRD Youth Soccer Westview Mat Club	Dance/Cheer/Band p THPRD Youth Soccer	BBX/GBX/WRES/CF p/c Target Kids THPRD Youth Lacrosse
18 WHS Basketball/Wrestling p/c	19 WHS Basketball/Wrestling p/c	20 WHS Basketball/Wrestling p/c	21 WHS Basketball/Wrestling p/c	22 WHS Basketball/Wrestling p/c	23 WHS Basketball/Wrestling p/c	24 Holiday Break Basketball/Wrestling p/c
PRD Youth Soccer WHS Basketball/Wrestling p/c	PRD Youth Soccer WHS Basketball/Wrestling p/c	PRD Youth Soccer WHS Basketball/Wrestling p/c	Holiday Break WHS Basketball/Wrestling p/c	Holiday Break WHS Basketball/Wrestling p/c	Holiday Break WHS Basketball/Wrestling p/c	Holiday Break Basketball/Wrestling p/c
Dance/Cheer/Band p Choir Concerts THPRD Youth Soccer Westview Mat Club	Dance/Cheer/Band p THPRD Youth Soccer Westview Mat Club	Dance/Cheer/Band p THPRD Youth Soccer	Dance/Cheer/Band p THPRD Youth Soccer	Dance/Cheer/Band p THPRD Youth Soccer	Dance/Cheer/Band p THPRD Youth Soccer	BBX/GBX/WRES/CF p/c

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Jan 1, 2018	2	3	4	5	6
PRD Winter Youth Sports	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C	Basketball/Wrestling P/C BBX/GBX/WRES/CI P/C STEAM Conference THPRD Winter Youth Sports Theatre Work Party
	9	9	10	11	12	13
	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club Westview Mat Club THPRD Winter Youth Sports	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club Westview Mat Club THPRD Winter Youth Sports	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club Westview Mat Club THPRD Winter Youth Sports	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club Westview Mat Club THPRD Winter Youth Sports	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club THPRD Winter Youth Sports	Boys Basketball Tournament Basketball/Wrestling P/C BBX/GBX/WRES/CI P/C THPRD Winter Youth Sports Theatre Work Party
	15	16	17	18	19	20
5 Basketball Youth Management 11 Basketball Management PRD Winter Youth Sports WHS Basketball/Wrestling P/C	School Closed Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Basketball/Wrestling P/C BBX/GBX/WRES/CI P/C THPRD Winter Youth Sports Theatre Work Party

15	School Closed				
16	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Westview Mat Club THPRD Winter Youth Sports Kids Turn	17	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Westview Mat Club THPRD Winter Youth Sports Kids Turn
18	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Westview Mat Club THPRD Winter Youth Sports	19	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	THPRD Winter Youth Sports
20	Basketball/Wrestling P/C Theatre Work		21	Basketball/Wrestling P/C Theatre Work	
22	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Westview Mat Club THPRD Winter Youth Sports	23	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Westview Mat Club THPRD Winter Youth Sports Kids Turn
24	Grad Support Meeting Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Westview Mat Club THPRD Winter Youth Sports	25	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	Westview Mat Club THPRD Winter Youth Sports
26	Cheer, Dance, Band Practice OSAA Spring/Fall Sports Practice WHS Basketball/Wrestling P/C Robotics Club	THPRD Winter Youth Sports	27	Basketball/Wrestling P/C BBX/GBX/WRE P/C THPRD Winter Sports Theatre Work	

November 20, 2017 - Portland -

Reminder the Wildcats VBC parent meeting is tonight Monday Nov. 20th at 7pm at WHS. Please enter over by the gym doors. We will be meeting in classroom S135 down the hall to the left from the upper gym. See you all tonight!



Wildcats Volleyball Club - 12's & 14's Teams

Club Philosophy: Wildcats Volleyball Club is for any 5th - 8th grade girl interested in playing competitive club volleyball in the off-season. The main focus is to improve individual volleyball skills, team skills, and preparing young female athletes for future high school play at Westview HS.

Club Director: Janelle Brandt, Head Volleyball Coach, Westview HS, 14's team coach
Phone: 503-999-4610
E-mail: Nell0317@yahoo.com
Asst. Coach: 12's Coach: Shay Graham

Club Info: Player/Parent Club Information Meeting on
Monday, October 23rd at WHS, 7pm (Classroom over by Gym)

Tryout Info:

Date: Sunday Nov. 5th, 2017
Times: 9am-11am (\$10.00 Try-out fee)
Location: Westview High School Gym

Registration

Players need to fill out the online membership registration at www.cevaonline.org. You must complete the online registration process before coming to tryouts. If you decide to tryout at multiple clubs, please register for a \$10 Membership Deposit through CEVA and select UNDECIDED for your club. You MUST bring your membership card, medical release form, and concussion forms with you to tryouts. You will need to pay the \$55.00 non-refundable membership fee online once you have made a team.

Tournament Info:

The Club season is from Dec. 2017-May 2018. We will play in 5 Power League Tournaments, PL Regionals, plus 2-3 local tournaments added to the schedule. Cost for the season is \$800 per player. Club payments will consist of a \$200 deposit in December, then \$150 monthly payments for the remainder of the season through April.

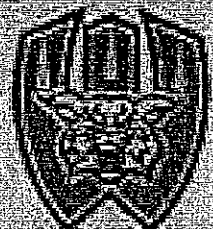
2017-2018 (Tentative) Club Tournament Schedule:

Sat. December 9th - 12s/14s CEVA Friendship Tournament, TBA
January - 12s/14s Power League Qualifier, TBA
February - 12s/14s PL Tournament, TBA
March - 12s/14s PL Tournament, TBA
April - 12s/14s PL Tournament, TBA
April 28th & 29th - 12s/14s PL Regionals @ Expo Center in Portland, OR (2 days)
May 12th & 13th - 12s/14s Willamette Volleyball Classic @ OSU in Corvallis, OR (2 days)

Practice Info:

All practices will be held at Westview High School in the evenings. We will try to practice twice a week. Practices will start in late Nov/early December. Practice schedule TBA. Please contact Janelle Brandt if you have any other questions.

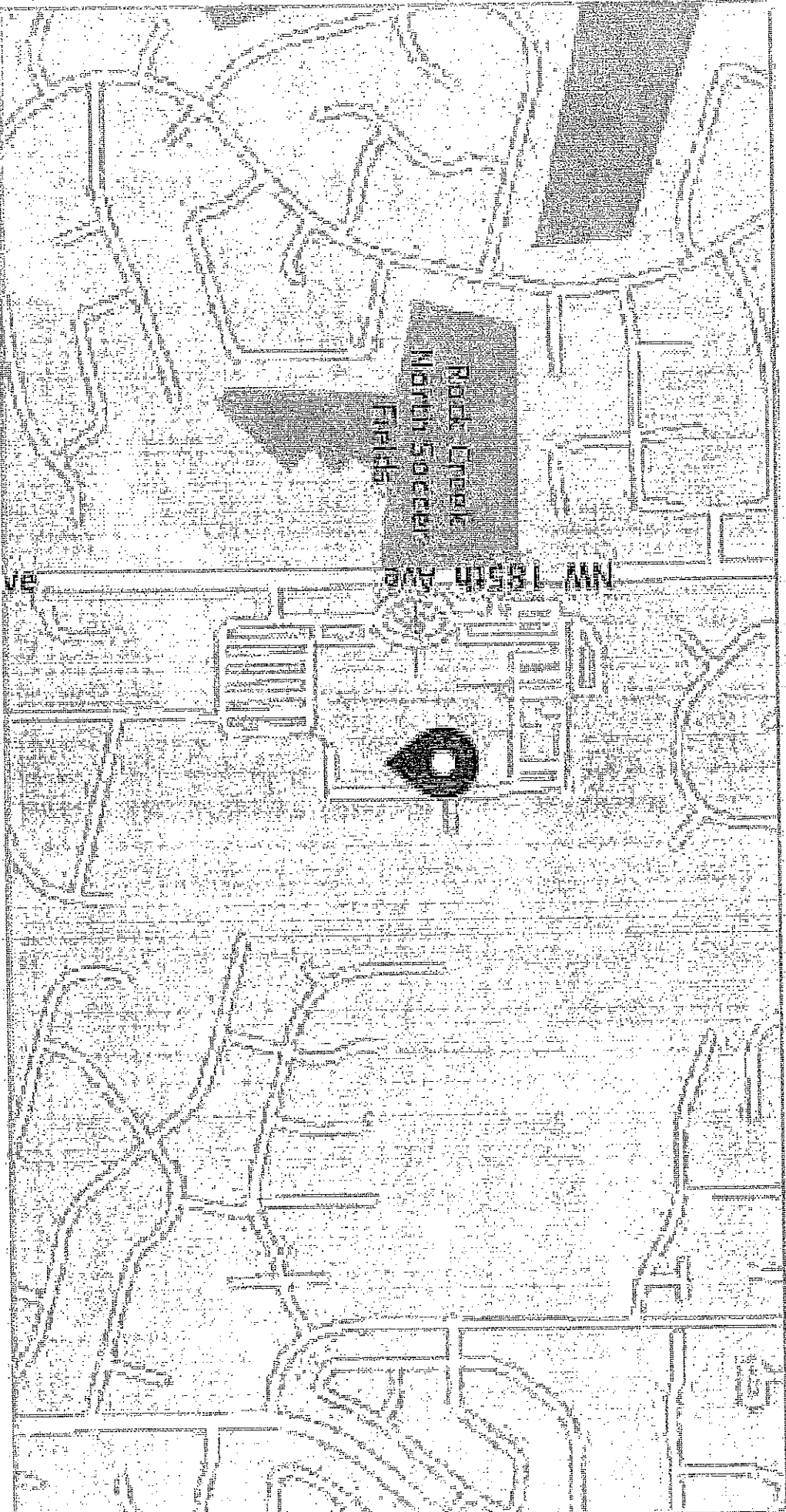
GO CATS!!



Beaverton, Oregon.

November 26, 2017 - Portland - OR

Reminder first WJDCats VBC 14's club practice tonight from 5:00-7:30pm at
WJHS!

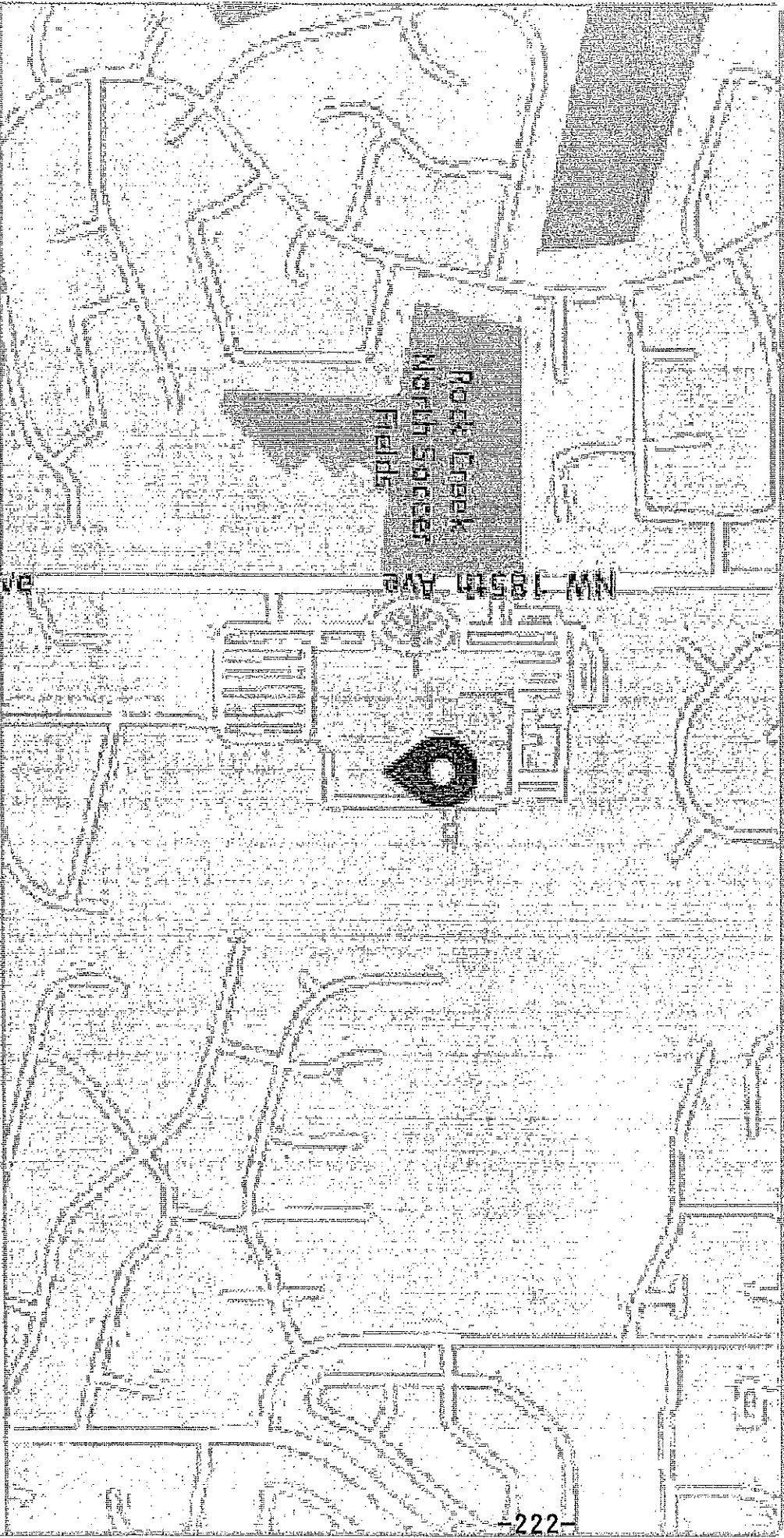


Westview High School (Beaverton, Oregon)

NOVEMBER 24, 2017 - HONOLULU - HI

Indicates WBC 14's practice tonight from 8-9:30pm at WHS. Please arrive at 7:45pm. Make sure you bring your club parent gear order form tonight as well to turn in.

Go Cats!! 

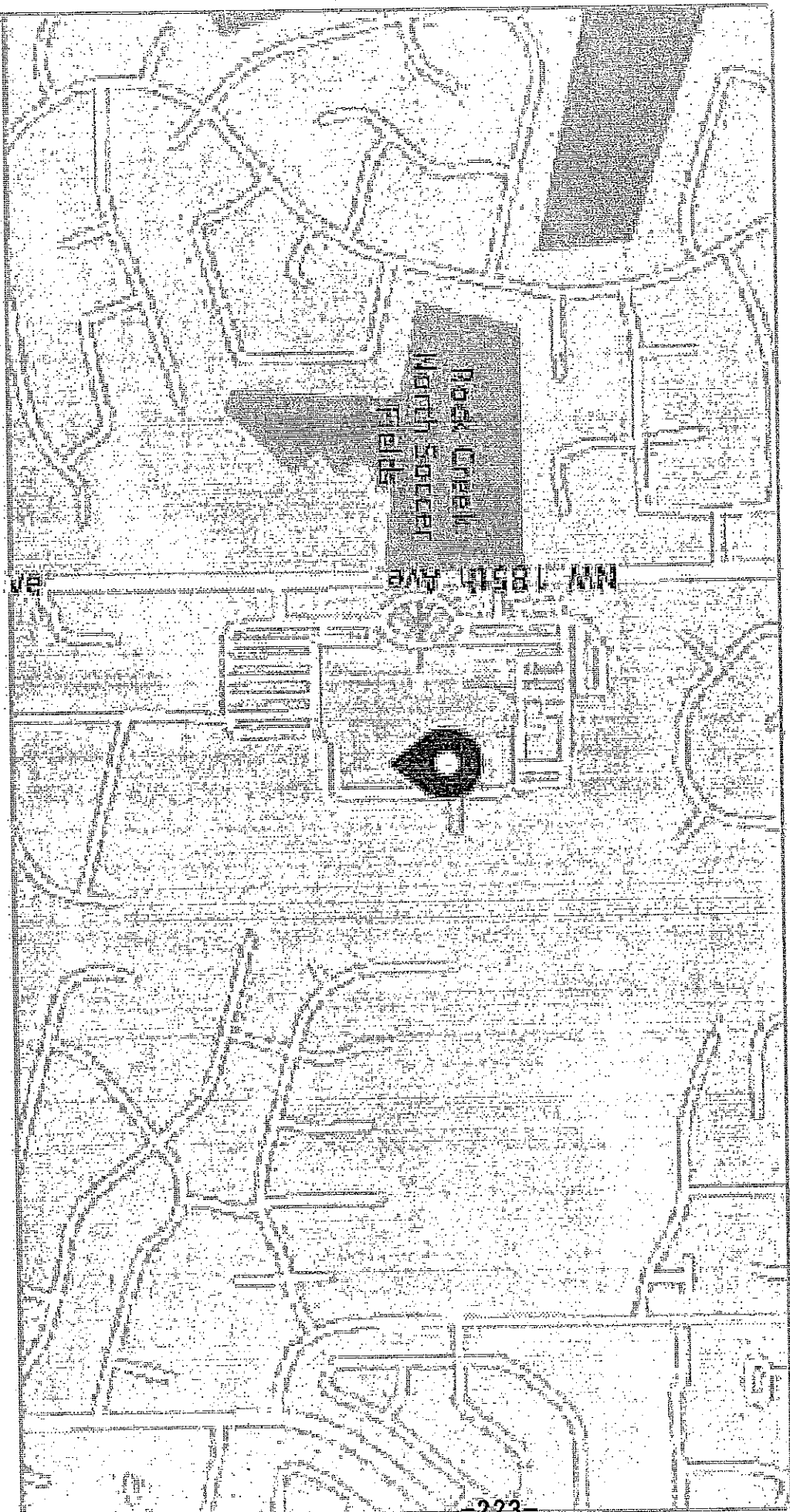


Mapster.com Link School Disruption Chronology

(Beaverton, Oregon)

December 3, 2017 - Portland

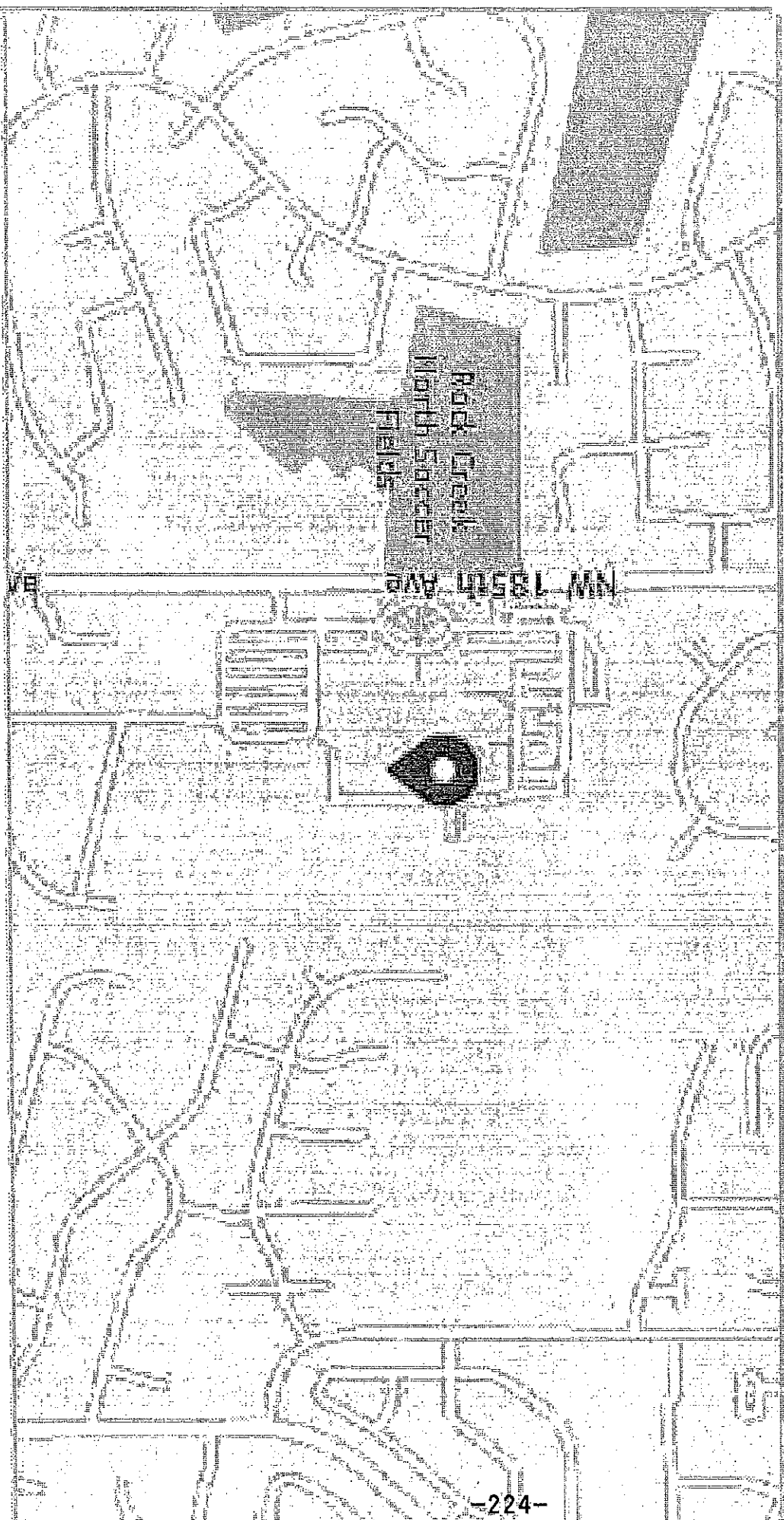
Reminder Wildcats VBC practice today from 5pm-7:30pm at WHSI please arrive at 4:45pm.



Westview High School (Beaverton, Oregon)

December 7, 2017 - Portland

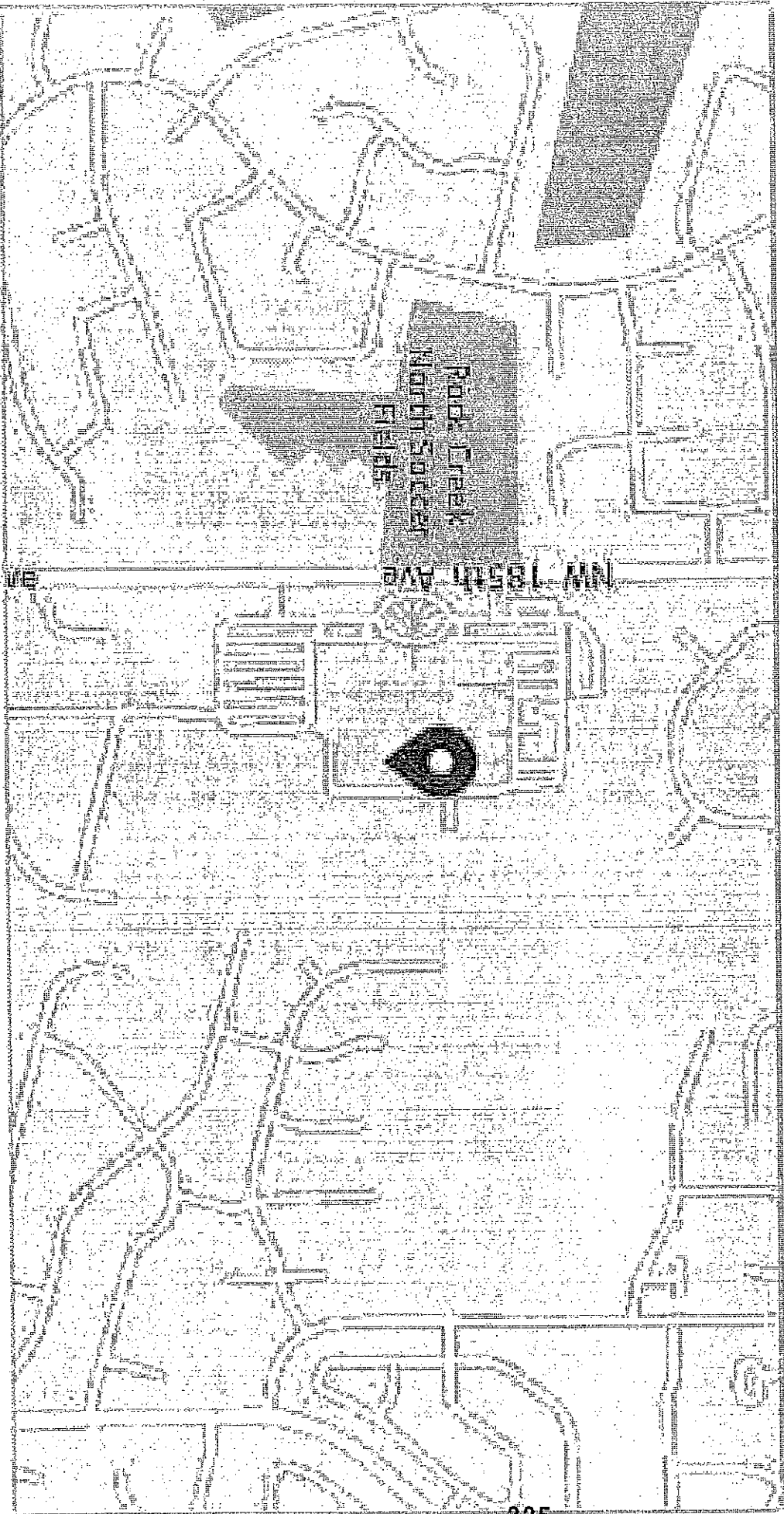
Parent club gear orders are in. If you ordered any club gear please come tonight at 7:30pm to pick up your order. Practice tonight is from 7:45pm- 9:30pm at WHSI.



Westview High School (Beaverton, Oregon)

January 2 - Portland - OR

Update: Wildcats VB Practice moved to 4pm-6pm for today, Tuesday Jan. 2nd at WHS. Please help spread the word to other players. Arrive at 3:45pm.
Thanks!!



Westview High School (Beaverton, Oregon)



Trainers' Report May 11th, 2018

This report covers the time period of April 2nd, 2018, through May 11th, 2018.

Completion of training:

- Higher Education Coordinating Commission (HECC) – ORS 244 (Monmouth)
- Oregon Fire Service Office Administrators (OFSOA) – ORS 244 (Newport)
- Oregon Health Authority (OHA) – ORS 244 (Salem)
- City of Medford Water Commission – ORS 244 (Medford)
- Jackson County – ORS 244 (Medford)

Upcoming Trainings:

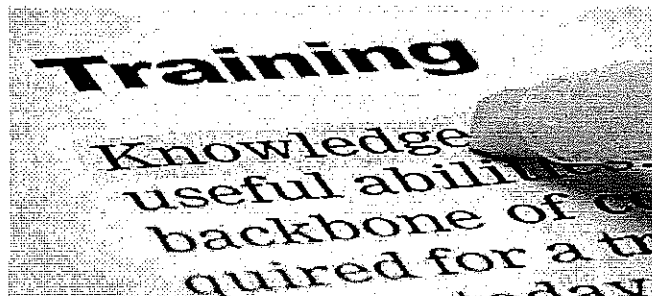
<u>Date</u>	<u>Time</u>	<u>Public Body (Topic)</u>	<u>Address</u>
5/15/2018	9:00 – 10:30 AM	Department of Consumer Business Services - Financial Regulation (DCBS) (ORS 244)	L & I Building 350 Winter St NE Room 410 Salem OR 97309
5/23/2018	AM TBD	Land Conservation & Development Commission (ORS 244)	ODFW 4034 Fairview Industrial Dr SE Salem, OR Steelhead Conf Room
6/20/2018	10:00 AM – 2:30 PM (incl. co-presentation & 30 min lunch break)	Institute of Internal Auditors	Painter's Hall 3911 Village Center Dr SE Salem, OR
7/9/2017	Multiple Sessions AM/PM TBD	Columbia County (ORS 244)	TBD

7/11/2018	10:45 – 12:00 PM	Dept of Administrative Services - New to Public Management (ORS 244)	Executive Building 155 Cottage St NE Conference Room A Salem OR 97301
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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 TBD 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
9/27/2018	11:00 – 12:00 PM	Oregon Justice of the Peace Association	Linn County Fair Grounds Albany, OR

Training Staff: Tammy Hedrick 503-378-6802 tammy.r.hedrick@oregon.gov
Hayley Weedn 503-378-8066 hayley.weedn@oregon.gov



May 2018

Oregon Government Ethics Commission AdobeConnect Webinar Training Calendar

Monday	Tuesday	Wednesday	Thursday	Friday
	1	2	3 New Employees: you're a public official, now what! 2:30 – 3:30 PM	4
7	8	9 Executive Session 2:30 – 3:30 PM	10	11
14	15	16 Use of Position/Office 10:00 – 11:00 AM	17	18
21	22 Conflicts of Interest 10:00 – 11:00 AM	23	24 Gifts 2:30 – 3:30 PM	25
28	29	30 Lobby law 10:00 – 11:00 AM	31 Email ogec.training@oregon.gov to register for a webinar.	

June 2018

Oregon Government Ethics Commission AdobeConnect Webinar Training Calendar

Monday	Tuesday	Wednesday	Thursday	Friday
				1
4	5 New Employees: you're a public official, now what! 2:30 – 3:30 PM	6	7	8 Executive Session 10:30 – 11:30 AM
11	12	13 Conflicts of Interest 10:30 – 11:30 AM	14	15
18	19 Use of Position/Office 2:30 – 3:30 PM	20	21 Gifts 2:30 – 3:30 PM	22
25	26	27 Lobby law 10:30 – 11:30 AM	28	29 Email ogec.training@oregon.gov to register for a webinar.

Executive Director's Report

May 11, 2018

- Budget
 - 2017-19 biennial budget
 - Biennial financial plan incorporated in monthly BRIO reports.
 - Currently projected with a \$156,696.36 surplus.
 - Expenditures through March, \$109,084.38 spent per month, \$114,899.17 average to spend per month.
 - Used 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
 - Filed timely.
 - Waiting on review from Governor's office.

- SEI
 - Filing period is closed.
 - No major issues with system, many people needed password resets.
 - As of May 2, 4771 SEI filers had filed successfully.

- Other
 - Strategic Plan submitted for review.
 - Website redesign project continues. User Acceptance Testing (UAT) completed. Final stages are being planned.
 - 2019-21 Budget kickoff meeting was on March 20th. Looks to be another biennium with fiscal challenges.
 - Continue SEI project; contacting SEI non-filers from prior years.
 - Diane Gould won an Ambassador of Public Service Award. Diane was nominated from the Agency and attended a reception at the Governor's Mansion on 5/1/2018 recognizing all of the award recipients.
 - Case Management System won the 2018 StateScoop 50 Award for Innovation of the Year. Awards were presented on April 22 in Baltimore Maryland. There were 170 Nominations with the top 50 receiving awards. There were 12 State IT Innovations of the Year awarded that night.
 - Second interviews were completed on May 9th for the Compliance Specialist 3 position.

