

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
March 7, 2019
9:00 a.m.

(File 1)

Chair Richard Burke 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 Charles Starr, Daniel Mason, Nathan Sosa, Sean O'Day, Alison Kean, Kamala Shugar, and David Fiskum. Karly Edwards joined by telephone. Staff present were OGEC Counsel Amy Alpaugh, Executive Director Ron Bersin, Program Manager Virginia Lutz, Compliance and Education Coordinator Diane Gould, Investigator Susan Myers, Investigator Hayley Weedn, and Administrative Specialist Kathy Baier.

AGENDA ITEM 1, Comments from the Chair. Commissioners thanked training staff for their professional field training. Burke encourages Commissioners to offer OGEC staff trainings to civic organizations that they are affiliated with. Fiskum requests an addition of his comments from the January 25, 2019 meeting to be reviewed at the next meeting. He will send comments to Bersin. Shugar commented on Secretary of State Dennis Richardson's memorial service.

AGENDA ITEM 2, Approval of minutes of the January 25, 2019 Commission meeting. Chair Burke called for the approval of the minutes of the 1/25/19 commission meeting. The minutes were approved without correction.

CONSENT CALENDAR

Edwards declared prior employment with two items on the Consent Calendar.

Shugar moved for the approval of the Consent Calendar items 3 – 12 and the recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Hannah Taube, 2018 Q4, Letter of Education

AGENDA ITEM 4, LeeAnne Fergason, 2017 Q4, Letter of Education

AGENDA ITEM 5, Richard Riggs, 2016 Q2, Letter of Education

AGENDA ITEM 6, Brett Hamilton, 2017 Q2, Letter of Education

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AGENDA ITEM 7, Ian Johnson, 2017 Q4, Letter of Education

AGENDA ITEM 8, Shujat Qalbani, 2018 Q4, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 9, Mecum Auction, Inc, 2017 Q3, Letter of Education

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 10, Julian Bell, 2018 SEI, Letter of Education

AGENDA ITEM 11, Mark Daily, 2018 SEI, Letter of Education

AGENDA ITEM 12, Chet Chance, 2016 SEI, Letter of Education

Group vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

End of Consent Calendar

STIPULATED FINAL ORDERS

AGENDA ITEM 20, 14-191EDT, Cylvia Hayes, Former First Lady of Oregon and unpaid policy advisor to the Governor of Oregon. Gould summarized the case, presented as Final Order. Commission discussed Final Order vs Stipulated Final Order. Hayes did not address the Commission. Counselors Josh Ewing and Whitney Boice were present. Ewing read a statement from Hayes. Commissioners generally discussed the case. Bersin and Alpaugh discussed the penalty matrix and how the penalties were assessed. Commissioners query how the current bankruptcy case will manage the assessed penalties. Hayes's bankruptcy attorney was not present. Discussion re removal of the word "Stipulated" from the final order. Bersin summarized Chapter 13 as it relates to this case. Mason moved to reject the Final Order in this matter. Commissioners discussed the motion. Shugar, employed by DOJ, abstained from the vote. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, abstained; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed 8-0 with 1 abstention.

The Commission recessed at 9:55 a.m. and resumed regular session at 10:00 a.m.

(File 2)

The Commission convened into executive session at 10:05 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d) and ORS 192.685(1).

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EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

(All items removed from consent calendar for discussion.)

End of Executive Session Consent Calendar.

OTHER ITEMS

Reports of Preliminary Review (removed from consent calendar)

AGENDA ITEM 48, 19-002EHW, S. Bruce Conner, Cruise Industry Marketing Director, Port of Astoria. Weedn summarized the case. Conner addressed the Commission. The Commission and Counsel Alpaugh discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Bruce Conner may have violated ORS 244.120 and ORS 244.040(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 49, 19-004ESM, Dan Johnson, Director, Clackamas County Dept. of Transportation & Development. Meyers summarized the case and presented a visual projection of similar artwork that was the basis for this case. Johnson addressed the Commission. The Commission discussed the matter. 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. The Commission continued discussion. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 50, 19-007EHW, James Coey, Former Mayor, City of Oakridge. Weedn summarized the case. Coey addressed the Commission. The Commission generally discussed the matter. Mason abstained due to a personal relationship. Shugar 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. The Commission discussed further. Roll call vote was taken as follows: Fiskum, aye; Mason, abstained; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed 8-0 with 1 abstention.

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AGENDA ITEM 51, 19-008ESM, Mike Gunter, Former Board Member, Multnomah County School District #51J. Meyers summarized the case. Gunter present, Counsel John DiLorenzo addressed the Commission. The Commission generally discussed the matter. 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. Fiskum disclosed past relationship with DiLorenzo. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 52, 19-010XSM, Kate Fent, Chair

AGENDA ITEM 53, 19-011XSM, Heather Melville, Member

AGENDA ITEM 54, 19-012XSM, Mandy Decker, Member

AGENDA ITEM 55, 19-013XSM, Mike Wiedeman, Member

AGENDA ITEM 56, 19-014XSM, Adrian Harguess, Member

Board of Directors, Wallowa County School District #21. Meyers summarized the cases. Respondents did not address the Commission. Counsel Luke Reese addressed the Commission on behalf of the Board. The Commission generally discussed the cases.

Item 52, Shugar moved that the Commission find that there is a substantial, objective basis for believing that Kate Fent may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Item 53, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Heather Melville may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Item 54, Kean moved that the Commission find that there is a substantial, objective basis for believing that Mandy Decker may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Item 55, Sosa moved that the Commission find that there is a substantial, objective basis for believing that Mike Wiedeman may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

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Item 56, Sosa moved that the Commission find that there is a substantial, objective basis for believing that Adrian Harguess may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Own Motion Preliminary Reviews

None.

Other Items
(non-action informational only items)

None.

The Commission recessed for a working lunch at 11:45 a.m. and convened into regular session at 12:00 p.m. Dan Mason was excused for the remainder of the meeting.

REPORTS OF INVESTIGATIONS

(File 3)

AGENDA ITEM 41, 18-179EHW, James Bernard, Commissioner, Clackamas County. Weedn summarized the case. Bernard and Counsel Steven Berman addressed the Commission. Berman distributed a handout. The Commission generally discussed the matter. Kean moved to separate the violations and vote individually: 11/20/2017; 11/28/2017; 11/29/2017. An oral vote passed unanimously.

November 28, 2017, Kean moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that the November 28, 2017, violation be dismissed. Roll call vote was taken as follows: Fiskum, aye; O'Day, nay; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed 7-1.

November 20, 2017, O'Day moved that the Commission vote to issue a Letter of Education in lieu of a violation of ORS Chapter 244 in the November 20, 2017 email. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, nay; Edwards, nay; Burke, nay. Motion passed 5-3.

November 29, 2017, Kean moved that the Commission find that there is sufficient evidence to find two violations of ORS Chapter 244 by James Bernard in the November 29, 2017 email, and that a Letter of Education will serve as the sanction in this matter, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call vote was taken as follows: Fiskum, nay; O'Day,

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aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed 7-1.

MISCELLANEOUS ITEMS

AGENDA ITEM 47, Executive Director's Report. Bersin discussed the following:

- 2017-2019 biennial budget: Bersin reviewed the status of the 2017-2019 budget and attorney fees.
- 2019-21 biennial budget: No issues at the public hearing. Work session scheduled for 3/7/2019.
- 2019 Legislative Bills: Initial hearings are under way.
- SEI: 2019 filing window opens March 15.
- Replaced office chairs from Surplus.
- Lobbyist filings for 2018 reviewed.
- Budget forecast.

REPORTS OF INVESTIGATIONS

AGENDA ITEM 39, 18-176EHW, Jim Brown, Mayor, City of Haines. Weedn summarized the case. Brown addressed the Commission by telephone. The Commission discussed the details of the 2 violations. O'Day moved that the Commission find that the information before the Commission is insufficient to infer violations of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Lobbyist Penalty Correspondence

(File 4)

AGENDA ITEM 13, Mel Rader, 2017 Q1. Recommendation: \$500 for 2nd violation. Shugar moved that the Commission approve staff recommendation of \$500 for the late filing of the Q1 2017 Lobbyist Expenditure Report. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 14, Oregon Nurses Assoc., 2018 Q4. Recommendation: \$260 for 3rd violation. Shugar moved that the Commission approve staff recommendation of \$260 for the late filing of the Q4 2018 Lobbyist Client Expenditure Report. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

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AGENDA ITEM 15, Oregon Collectors Assoc., 2018 Q3 & Q4. Recommendation: Letter of Education for Q3 and \$140 for 2nd violation Q4. Shugar moved that the Commission approve staff recommendation of a Letter of Education for Q3 and \$140 for the late filing of the Q4 2018 Lobbyist Client Expenditure Report. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Statement of Economic Interest Dismissals

AGENDA ITEM 16, 18-018SMT, Byron Brown, 2014. Recommendation: Letter of Education in lieu of violation. Shugar moved that the Commission approve staff recommendation of a Letter of Education in lieu of violation. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 17, 18-020SMT, Robert Cook, 2014 & 2015. Recommendation: Letter of Education in lieu of violation. Shugar moved that the Commission approve staff recommendation of a Letter of Education in lieu of violation. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 18, 18-045SMT, Craig Prins, 2014. Recommendation: Letter of Education in lieu of violation. Shugar moved that the Commission approve staff recommendation of a Letter of Education in lieu of violation. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 19, 18-051SMT, David B. Smith, 2014. Recommendation: Letter of Education in lieu of violation. Shugar moved that the Commission approve staff recommendation of a Letter of Education in lieu of violation. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

STIPULATED FINAL ORDERS

AGENDA ITEM 20-A,

15-146XDT, Steve Holm

15-152XDT, Steve Holm

15-162XDT, Steve Holm, Former Board Member, Lakeside Fire District.

Meyers summarized the cases. Holm did not address the Commission. The Commission generally discussed the cases. Shugar moved that the Commission approve the proposed stipulate 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: Fiskum, aye; O'Day,

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aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 20-B, 15-280EDT, Steve Holm, Former Board Member, Lakeside Fire District. Myers summarized the case. Holm did not address the Commission. The Commission generally discussed the matter. Shugar moved to not adopt the Stipulated Final Order. Fiskum moved that the matter be postponed until the next Commission meeting. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

STIPULATED FINAL ORDERS

AGENDA ITEM 21, 15-247EDT, Robert Donals, volunteer firefighter, Lakeside Fire District. Meyers summarized the case. Donals 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: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 22, 15-272EDT

17-135EMT, Doug Breidenthal

Commissioner, Jackson County Board of Commissioners. Meyers summarized the cases. Breidenthal did not address the Commission. Shugar 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. O'Day abstained re conflict. Roll call vote was taken as follows: Fiskum, aye; O'Day, abstained; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed 7-0 with 1 abstention.

Director Bersin excused for the remainder of the meeting at 2:33 p.m.

AGENDA ITEM 23, 16-115EMS, Deena Symons (aka Deena Goss), former Treasurer, Jefferson County. Symons did not address the Commission. Shugar 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: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 24, 16-147EDG, Taner Elliott, former Councilor, City of The Dalles. Elliott 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: Fiskum, aye; O'Day,

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aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 25, 16-151EDG, Linda Hald, former Community Justice Dept. Office Manager, Columbia County. Hald did not address the Commission. Shugar 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. Fiskum commented on the case. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 26, 17-073XMT, Leonard Flint, Mayor and former Councilor, City of Union. Flint did not address the Commission. Shugar 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: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 27, 17-075XMT, Randy Knop, former Councilor, City of Union. Knop did not address the Commission. Shugar 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: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 28, 17-076XMT, Jay Blackburn, Councilor, City of Union. Blackburn did not address the Commission. Shugar 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: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 29, 17-077XMT, Matthew Later, Councilor, City of Union. Later did not address the Commission. Shugar 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: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 30, 17-078XMT, John Farmer, Councilor, City of Union. Farmer did not address the Commission. Shugar 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: Fiskum, aye; O'Day,

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aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 31, 17-079XMT, Walt Brookshire, Councilor, City of Union. Brookshire 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: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 32, 17-079XMT, Susan Hawkins, Councilor, City of Union. Hawkins 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: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 33, 18-138XDG, Dre Davey, Board of Directors member, Portland Village School. Davey 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: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 34, 18-140XDG, Zapoura Newton-Calvert, Board of Directors member, Portland Village School. Newton-Calvert 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: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

DEFAULT FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS

AGENDA ITEM 35, 18-161EHW, Carla Urbigkeit, State Trooper, Oregon State Police. Weedn summarized the case. Urbigkeit did not address the Commission. Sosa moved that the Commission find that there is sufficient evidence to find a violation of ORS Chapter 244.025 by Carla Urbigkeit, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call vote was

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taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 36 18-170XDG, Ron Palmer

AGENDA ITEM 37 18-172XDG, Thom Canon

AGENDA ITEM 38 18-173XDG, Shannon Tolman

Councilors, City of Gold Beach. Gould summarized the cases. Respondents did not address the Commission.

Item 36, Shugar moved that the Commission find that there is sufficient evidence to find 1 violation of ORS Chapter 192.660(1) and 1 violation of 192.660(2) by Ron Palmer, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Item 37, Shugar moved that the Commission find that there is sufficient evidence to find 1 violation of ORS Chapter 192.660(1) and 1 violation of 192.660(2) by Thom Canon, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Item 38, Shugar moved that the Commission find that there is sufficient evidence to find 1 violation of ORS Chapter 192.660(1) and 1 violation of 192.660(2) by Shannon Tolman, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 40 18-178ETH, Christina Stanley, Former Mayor, Gold Hill. Meyers summarized the case. Stanley did not address the Commission. Shugar moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

ADVISORY OPINIONS

None.

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>.

CORRESPONDENCE RECEIVED/REPONSES

Staff Opinions

(non-action, informational only items)

None.

Staff Advice

(non-action, informational only items)

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

AGENDA ITEM 42, 19-0011, Chad Jacobs re elected member of a governing body and member of budget committee; participation in budget discussions and votes when a relative is an employee of the public body. Fiskum and O'Day commented on the advice.

AGENDA ITEM 43, 19-0051, Betsy Imholt re state senator would like to hire a company owned by another state senator to perform professional landscaping services at his private residence.

AGENDA ITEM 44, 19-0211, Representative Greg Smith re state representative with private business interests.

AGENDA ITEM 45, 19-0221, Representative Greg Smith re state representative who has private business interest, acting as an agent for Malheur County and the possible application of ORS Chapter 244.

OTHER CORRESPONDENCE

None.

MISCELLANEOUS ITEMS

AGENDA ITEM 27, Trainers Report. Walker summarized past and future training activities.

ADDITIONAL COMMENT, Fiskum requested future discussion regarding review and revision of the penalty matrix.

Chair Burke adjourned the meeting at 2:58 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, April 19, 2019, 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.

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



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

Email: ogec.mail@oregon.gov

Website: www.oregon.gov/ogec

April 2, 2019

Kahreen Tebeau
6920 94th Ave SE
Mercer Island WA 98040

Dear Ms. Tebeau:

The written explanation of why your Q4 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, April 19, 2019, 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 \$400 penalty will be extended to coincide with the April 19th 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 2018

Lobbyist Code: 1305
User Name: ktebeau
Email: ktebeau@gmail.com

Q4 2018 Filing: 2/4/2019
Q4 2018 Expended: \$0.00
Q4 2018 Penalty: \$400.00

Kahreen Tebeau
6920 94th Ave SE
Mercer Island, WA 98040

Activity Log - Q4 2018 to Date

10/05/18 02:09:18.053 - User Successfully Authenticated -
10/05/18 02:10:42.913 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2018
01/16/19 01:30:07.420 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/17/19 01:30:07.623 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/18/19 01:30:06.813 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/19/19 01:30:07.407 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/20/19 01:30:06.190 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/21/19 01:30:07.363 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/22/19 01:30:06.233 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/23/19 01:30:06.157 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/24/19 01:30:06.450 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/25/19 01:30:07.093 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/26/19 01:30:07.143 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/27/19 01:30:06.380 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/28/19 01:30:07.540 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/29/19 01:30:06.173 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/30/19 01:30:06.150 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/31/19 01:30:06.780 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/01/19 01:30:06.833 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/02/19 01:30:07.887 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/03/19 01:30:06.157 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/04/19 01:30:06.620 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/04/19 06:22:16.017 - User Successfully Authenticated -
02/04/19 06:23:16.330 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2018
02/04/19 06:26:46.130 - User Password Reset - The user's password was reset from the "My Profile" page.
02/04/19 06:26:46.237 - User Profile Updated - User profile updated for Kahreen Tebeau
02/04/19 06:26:46.300 - User Profile Updated - The user's main profile was updated.
04/01/19 03:42:24.730 - User Successfully Authenticated -
04/01/19 03:51:32.280 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q1 2019

PAST VIOLATIONS: NONE

RECOMMENDATION:

Kahreen Tebeau


RECEIVED

APR 02 2019

OREGON GOVERNMENT
ETHICS COMMISSION

Dear Oregon Government Ethics Commission:

I am writing to explain my late filing for my 2018 Q4 quarterly report and ask that you consider leniency in my penalties. I accrued \$400 in penalties before I submitted the report. I understand the importance of this reporting and transparency and ethics in lobbying, and apologize for the delayed submission. However, I do have some mitigating circumstances I hope you will consider.

First, I separated from my former employer, for whom I was carrying out the lobbying, on November 16, 2018. I had zero (\$0) lobbying expenses or activity to report for the first half of the quarter while I was still employed, and I was not working or lobbying for the remainder of the quarter. When I received the notifications that I had failed to file my report, I had thought (mistakenly), that it was a failure of my former employer to de-register me as their lobbyist.

It was my first and only year lobbying, and although I had submitted a few quarterly reports, I was still unfamiliar with aspects of the reporting. I believed it was tied to and triggered by employment, and that I should **not** in fact submit a report on behalf of an employer that I was no longer employed with. I understand now - quite acutely given the personal penalties - that lobbying reporting is based on the individual lobbyist, not the employer.

Additionally, when first receiving the notifications of failure to file, I was in the midst of moving to Seattle to start a new job. I lapsed in checking my personal email and was instead focused on the move and work email.

It's also worth noting that my new job does not involve any lobbying activity and that I have terminated my status as a lobbyist in Oregon.

For these reasons, I hope you will consider leniency in my late penalties. Moving is extremely expensive, particularly after six weeks of unemployment, and spending \$400 on late fees would cause economic hardship for me at this time. I sincerely apologize for the lapse in my understanding and delay in filing my report. My report is filed now and my lobbying status terminated.

Thank you in advance for your consideration.

Sincerely,
Kahreen Tebeau

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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

Email: ogec.mail@oregon.gov

Website: www.oregon.gov/ogec

March 11, 2019

Paul Daniels
PO Box 736
Garibaldi OR 97118

Re: 2018 SEI late filing

Dear Mr. Daniels:

The written explanation of why your 2018 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, April 19, 2019 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



SEI Activity

2018

SEI Code: 4914
User Name: Paul A Daniels
Email: danielpaul353@yahoo.com

2018 Filing: 5/9/2018
2018 Penalty: \$30.00

Paul Daniels
PO Box 736
Garibaldi, OR 97118

2018 Offices Held

GARIBALDI (City), COUNCIL - Appointed 01/15/19

Activity Log - 2018 to Date

04/20/18 04:35:22.907 - User Successfully Authenticated -
04/20/18 04:55:06.667 - SEI Report Draft Saved - SEI Report Draft Saved for year 2018
04/22/18 07:56:24.813 - User Successfully Authenticated -
04/24/18 03:02:27.640 - User Successfully Authenticated -
05/07/18 01:30:13.740 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018
05/08/18 01:30:10.313 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018
05/09/18 01:30:09.300 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018
05/09/18 05:49:24.867 - User Successfully Authenticated -
05/09/18 05:49:26.223 - User Successfully Authenticated -
05/09/18 08:29:59.530 - Late SEI Report Filed - SEI Report Filed Late for year 2018
05/09/18 08:45:15.860 - User Profile Updated - User profile updated for Paul Daniels
05/09/18 08:45:15.917 - User Profile Updated - The user's main profile was updated.
03/11/19 09:59:48.430 - User Failed to Authenticate -
03/11/19 10:07:27.657 - User Successfully Authenticated -

PAST VIOLATIONS: NONE

RECOMMENDATION:

Letter sent
(10)

BAIER Kathy * OGEC

From: Paul Daniels <danielspaul353@yahoo.com>
Date: Monday, March 11, 2019 10:27 AM
To: OGEC Mail * OGEC
Subject: Late filings

Dear Director,

I'm not going to BS you I just got lazy. I have been extremely busy building apts here in Garibaldi the last 3 years and this didn't have a priority. I am therefore asking you to forgive my \$30 late fees.

Thanks
Paul A Daniels

Sent from Mail for Windows 10



Virus-free. www.avast.com

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SEI History

4/9/2019

2013

Type: CI

Jurisdiction: CARLTON

Office: PLANNING COMM

JEFF LORTON
PO BOX 981

Received: 4/17/2017

CARLTON, OR 97111

Penalty: \$5,000.00

Comments:

SEE CMS 17-108SMS

SEI fail to file for 2013. No record of filing found.
2/8/17 Letter advising of possible preliminary violation sent.
Scheduled for 3/10/17 Commission meeting.
2/16/17 Letter return unable to forward, PO Box closed.
2/17/17 Received new PO address from JC and remailed.

10/2017 Commission issued Finding of Preliminary Violation
See Case No. 17-108SMS

4/3/2017 Telephone call from Mr. Lorton, he indicated that he received penalty letter and is requesting guidance as to what to do now? I conferred with Marie, Mr. Lorton is required to file the 2013, 2014 and 2015 SEI and attach a letter of explanation. Mr. Lorton indicated that he found the reports sent out by OGEC and completed them to be mailed in today. TH

4/17/2017 2013, 2014 and 2015 SEI reports with Ltr of Explanation.

SEI History

2014

4/9/2019

Type: CI

Jurisdiction: CARLTON

Office: PLANNING COMM

JEFF LORTON
PO BOX 981

Received: 4/17/2017

CARLTON, OR 97111

Penalty: \$5,000.00

Comments:

SEE CMS 17-108SMS

SEI fail to file for 2014. No record of filing found.

2/8/17 Letter advising of possible preliminary violation sent.

Scheduled for 3/10/17 Commission meeting.

2/16/17 Letter return unable to forward, PO Box closed.

2/17/17 Received new PO address from JC and remailed.

3-10-17

4/17/2017 2013, 2014 and 2015 SEI reports with Ltr of Explanation.

SEI History

4/9/2019
()

2015

Type: CI

Jurisdiction: CARLTON

Office: PLANNING COMM

JEFF LORTON
PO BOX 981

Received: 4/17/2017

CARLTON, OR 97111

Penalty: \$5,000.00

Comments:

SEE CMS 17-108SMS

SEI fail to file for 2015. No record of filing found.

2/8/17 Letter advising of possible preliminary violation sent.

Scheduled for 3/10/17 Commission meeting.

2/16/17 Letter return unable to forward, PO Box closed.

2/17/17 Received new PO address from JC and remailed.

(17/2017 2013, 2014 and 2015 SEI reports with Ltr of Explanation.

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SEI History

2013

4/9/2019

Type: CI

Jurisdiction: POWERS

Office: PLANNING COMM

CELIA CLAYBOURN
PO BOX 479

Received: 5/7/2018

POWERS, OR 97466

Penalty: \$5,000.00

Comments:

3/21/13-SEI returned as not deliverable

3/28/13 - duplicate SEI emailed to ckc7@yahoo.com

5/9/13 - Notice returned as insufficient address.

Emailed contact 5/13 regarding issue, 5/13 they do not have any other contact information besides PO BOX provided and email address above. EH

5/13/13 - Email sent to above address regarding notice.EH

5/21/13 -penalty accrual letter mailed

6/17/13 -panalties are still accruing letter mailed.

5/13 -Jurisdictional Contact emailed requesting assistance.

6/26/13 -Powers contact replied confirmaing she was in the postion on 4/15/13 and that we have current address information.

6/26/13 -email sent to ckc7@yahoo.com informing her of penalties accruing and providing a duplicate 2013 form. Email also requested for 2012 filing as well.

SEI Fail to File for 2013

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent

Scheduled for 3/10/17 Commission meeting.

2/22/2017- letter returned undilverable to Woodward Creek address

3/10/2017 Commission issued Finding of Preliminary Violation

See Case No. 17-118SDG

5/7/2018 SEI 2013 report filed

SEI History

2013

4/5/2019

Type: CI

Jurisdiction: WASCO

Office: MAYOR

SCOTT MILLER
PO BOX 62

Received: 4/6/2018

WASCO, OR 97065

Penalty: \$5,000.00

Comments:

SEI Fail to File for 2013 and 2014

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent
Scheduled for 3/10/17 Commission meeting.

3/10/2017 Commission issued Finding of Preliminary Violation

5/29/18 SEI filed for 2013

Case No. 17-127SDG

SEI History

2014

4/5/2019

Type: CI

Jurisdiction: WASCO

Office: MAYOR

SCOTT MILLER
PO BOX 62

Received: 2/27/2018

WASCO, OR 97065

Penalty: \$5,000.00

Comments:

SEI Fail to File for 2013 and 2014

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent

Scheduled for 3/10/17 Commission meeting.

3-10-17 - Com. issued finding of P.V.

2/27/18 SEI received and filed 2014

SEI Activity

2017

SEI Code: 6121
r Name: ScottMiller123
email: wascocity@embarqmail.com

2017 Filing: 4/4/2019
2017 Penalty: \$5,000.00

Scott Miller
PO Box 62
Wasco, OR 97065

2017 Offices Held

WASCO (City), COUNCIL - Appointed 03/15/17

Activity Log - 2017 to Date

06/15/17 04:37:28.800 - User Profile Created - User profile created for Scott Miller
06/15/17 04:37:41.123 - User Profile Created - A new user profile was created.
06/15/17 04:37:41.160 - SEI Assigned to Seat - SEI Assigned to Seat
06/16/17 01:30:13.457 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/17/17 01:30:13.500 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/18/17 01:30:13.390 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/19/17 01:30:15.810 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/20/17 01:30:15.750 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/21/17 01:30:13.670 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/22/17 01:30:13.160 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/23/17 01:30:13.447 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/24/17 01:30:14.720 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/25/17 01:30:17.013 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/26/17 01:30:17.567 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/27/17 01:30:13.537 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/28/17 01:30:13.170 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/29/17 01:30:13.340 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
06/30/17 01:30:12.387 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/01/17 01:30:59.023 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/02/17 01:30:12.553 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/03/17 01:30:14.597 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/04/17 01:30:12.533 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/05/17 01:30:12.357 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/06/17 01:30:13.223 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/07/17 01:30:12.453 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/08/17 01:30:12.280 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/09/17 01:35:19.783 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/10/17 01:30:11.987 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/11/17 01:30:11.837 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/12/17 01:30:11.487 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/13/17 01:30:12.450 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/14/17 01:30:12.060 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/15/17 01:30:11.650 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/16/17 01:30:20.303 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/17/17 01:30:18.997 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/18/17 01:30:15.440 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/19/17 01:30:14.793 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/20/17 01:30:14.173 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/21/17 01:30:13.357 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/22/17 01:30:16.653 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/23/17 01:30:13.490 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/24/17 01:30:17.397 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/25/17 01:30:15.483 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/25/17 11:19:49.633 - User Profile Updated - User profile updated for Scott Miller
07/25/17 11:20:02.690 - User Profile Updated - The user's main profile was updated.
07/26/17 01:30:13.527 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/27/17 01:30:12.103 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/28/17 01:30:12.447 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/29/17 01:30:11.840 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/30/17 01:30:12.910 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
07/31/17 01:30:14.287 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/01/17 01:30:11.787 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017

SEI Activity

2017

SEI Code: 6121
User Name: ScottMiller123
Email: wascocity@embarqmail.com

2017 Filing: 4/4/2019
2017 Penalty: \$5,000.00

Scott Miller
PO Box 62
Wasco, OR 97065

08/02/17 01:30:12.277 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/03/17 01:30:11.853 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/04/17 01:30:11.487 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/05/17 01:30:51.273 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/06/17 01:30:11.873 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/07/17 01:30:13.150 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/08/17 01:30:11.503 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/09/17 01:30:11.403 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/10/17 01:30:13.650 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/11/17 01:30:12.420 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/12/17 01:30:11.153 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/13/17 01:30:14.913 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/14/17 01:30:13.217 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/15/17 01:30:13.550 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/16/17 01:30:11.650 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/17/17 01:30:13.753 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/18/17 01:30:11.150 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/19/17 01:30:12.090 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/20/17 01:30:10.617 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/21/17 01:30:13.717 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/22/17 01:30:11.987 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/23/17 01:30:11.600 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/24/17 01:30:11.863 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/25/17 01:30:12.137 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/26/17 01:30:11.850 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/27/17 01:30:12.113 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/28/17 01:30:13.163 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/29/17 01:30:11.840 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/30/17 01:30:11.770 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
08/31/17 01:30:10.897 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/01/17 01:30:14.580 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/02/17 01:30:13.263 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/03/17 01:30:12.780 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/04/17 01:30:14.880 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/05/17 01:30:14.110 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/06/17 01:30:13.543 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/07/17 01:30:16.937 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/08/17 01:30:13.353 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/09/17 01:30:14.440 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/10/17 01:30:20.310 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/11/17 01:30:15.913 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/12/17 01:30:09.643 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/13/17 01:30:10.577 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/14/17 01:30:13.073 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/15/17 01:30:10.460 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/16/17 01:30:13.633 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/17/17 01:30:11.087 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/18/17 01:30:15.913 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/19/17 01:30:11.380 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/20/17 01:30:13.347 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/21/17 01:30:11.250 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/22/17 01:30:11.533 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
09/23/17 01:30:11.913 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2017
04/04/18 01:41:38.100 - Admin User Reset Initiated - An admin user reset was initiated.
04/04/18 01:46:01.917 - Admin User Password Reset Completed - A user reset their password using an admin reset.
04/04/18 01:46:22.407 - User Successfully Authenticated -
04/04/18 01:47:36.760 - SEI Report Filed - SEI Report Filed for year 2017
04/04/18 01:54:52.933 - SEI Report Filed - SEI Report Filed for year 2018

SEI Activity

2017

SEI Code:	6121	2017 Filing:	4/4/2019
Name:	ScottMiller123	2017 Penalty:	\$5,000.00
Email:	wascocity@embarqmail.com		

Scott Miller
PO Box 62
Wasco, OR 97065

04/04/19 10:26:18.250 - SEI Report Filed - SEI Report Filed for year 2019
04/04/19 10:34:59.670 - User Profile Updated - User profile updated for Scott Miller
04/04/19 10:34:59.850 - User Profile Updated - The user's main profile was updated.

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SEI History

4/10/2019

2013

Type: CO

Jurisdiction: UNION CO

Office: PLANNING COMM

MACE CADWELL
PO BOX C

Received: 3/7/2017

UNION, OR 97883

Penalty: \$5,000.00

Comments:

SEE CASE NO. 17-132SMT

SEI Fail to File for 2013, 2014, 2015 and 2016

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent

Scheduled for 3/10/17 Commission meeting.

2/16/2017- Original letter returned as undeliverable.

2/17/2017- mailed to updated address in EFS

3/10/2017 Commission issued Finding of preliminary violation

See Case No. 17-132SDG

3/7/17 SEI 2013 filed

SEI History

4/10/2019

2014

Type: CO

Jurisdiction: UNION CO

Office: PLANNING COMM

MACE CADWELL
PO BOX 429

Received: 3/9/2017

LA GRANDE, OR 97850

Penalty: \$5,000.00

Comments:

SEE CASE NO. 17-132SMT

SEI Fail to File for 2013, 2014, 2015 and 2016

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent

Scheduled for 3/10/17 Commission meeting.

2/16/2017- Original letter returned as undeliverable.

2/17/2017- mailed to updated address in EFS

3/10/2017 Commission issued Finding of Preliminary Violation

See Case No. 17-132SMT

3/9/2017 SEI 2014 filed

SEI History

4/10/2019

2015

Type: CO

Jurisdiction: UNION CO

Office: PLANNING COMM

MACE CADWELL
PO BOX 429

Received: 3/9/2017

LA GRANDE, OR 97850

Penalty: \$5,000.00

Comments:

SEE CASE NO. 17-132SMT

SEI Fail to File for 2013, 2014, 2015 and 2016

No Record of Filing Found

2/8/17 Letter advising of possible finding of preliminary violation sent

Scheduled for 3/10/17 Commission meeting.

2/16/2017- Original letter returned as undeliverable.

2/17/2017- mailed to updated address in EFS

3/10/2017 Commission issued Finding of Preliminary Violation

See Case No. 17-132SMT

3-9-2017 SEI 2015 filed

SEI Activity

2016

SEI Code: 5181
User Name: mcadwall
Email: mace21@bronsonent.com

2016 Filing: 5/3/2018
2016 Penalty: \$5,000.00

Mace Cadwell
PO Box C
Union, OR 97883

2016 Offices Held

No data to report.

Activity Log - 2016 to Date

07/01/16 10:29:26.427 - User Profile Created - User profile created for Mace Cadwell
07/01/16 10:29:39.470 - User Profile Created - A new user profile was created.
07/01/16 10:29:39.610 - SEI Assigned to Seat - SEI Assigned to Seat
07/11/16 01:30:32.433 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/12/16 01:30:31.863 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/13/16 01:30:26.830 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/14/16 01:30:30.863 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/15/16 01:30:35.963 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/16/16 01:30:30.417 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/17/16 01:30:30.233 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/18/16 01:30:28.030 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/19/16 01:30:30.517 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/20/16 01:30:28.767 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/21/16 01:30:34.383 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/22/16 01:30:33.233 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/23/16 01:30:30.357 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/24/16 01:30:52.680 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/25/16 01:30:31.073 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
07/26/16 01:30:32.987 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/03/16 01:30:13.243 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/04/16 01:30:14.047 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/05/16 01:30:12.647 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/06/16 01:30:15.280 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/07/16 01:30:17.327 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/08/16 01:30:10.750 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/09/16 01:30:14.993 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/10/16 01:30:14.423 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/11/16 01:30:18.547 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/12/16 01:30:12.980 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/13/16 01:30:12.827 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/14/16 01:30:12.623 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/15/16 01:30:13.540 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/16/16 01:30:13.420 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/17/16 01:30:13.480 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/18/16 01:30:35.240 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/19/16 01:30:13.973 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/20/16 01:30:13.517 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/21/16 01:30:13.020 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/22/16 01:30:14.360 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/23/16 01:30:12.810 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/24/16 01:30:12.500 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/24/16 11:25:01.107 - Admin User Reset Initiated - An admin user reset was initiated.
08/24/16 11:35:49.343 - User Profile Updated - User profile updated for Mace Cadwell
08/24/16 11:35:49.367 - User Profile Updated - The user's main profile was updated.
08/25/16 01:30:12.733 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/26/16 01:30:13.933 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/27/16 01:30:12.247 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/28/16 01:30:12.757 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/29/16 01:30:12.647 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/30/16 01:30:12.933 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
08/31/16 01:30:15.317 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/01/16 01:30:13.700 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0

SEI Activity

2016

Code: 5181
Name: mcadwall
Email: mace21@bronsonent.com

2016 Filing: 5/3/2018
2016 Penalty: \$5,000.00

Mace Cadwell
PO Box C
Union, OR 97883

09/02/16 01:30:12.203 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/03/16 01:30:12.727 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/04/16 01:30:13.523 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/05/16 01:30:13.103 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/06/16 01:30:13.863 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/07/16 01:30:14.813 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/08/16 01:30:14.433 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/09/16 01:30:13.960 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/10/16 01:30:12.850 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/11/16 01:30:12.780 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/12/16 01:30:14.333 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/13/16 01:30:15.143 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/14/16 10:23:26.837 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/15/16 01:30:13.757 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/16/16 01:30:14.330 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/17/16 01:30:14.593 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/18/16 01:30:17.137 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/19/16 01:30:13.383 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/20/16 01:30:13.433 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/21/16 01:30:14.707 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/22/16 01:30:17.783 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/23/16 01:30:34.693 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/24/16 01:30:13.433 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/25/16 01:30:35.347 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/26/16 01:30:14.417 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/27/16 01:30:15.363 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/28/16 01:30:12.033 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/29/16 01:30:13.057 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/30/16 01:30:12.467 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016 Q0
09/30/16 07:01:44.440 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016
10/05/16 01:30:11.690 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016
10/07/16 01:30:14.737 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2016
03/02/17 08:40:10.337 - User Profile Updated - User profile updated for Mace 14,Cadwell
03/02/17 08:40:19.543 - User Profile Updated - The user's main profile was updated.
03/02/17 08:43:43.333 - User Profile Updated - User profile updated for Mace 14,Cadwell
03/02/17 08:43:52.510 - User Profile Updated - The user's main profile was updated.
04/10/17 06:32:06.340 - User Successfully Authenticated -
04/11/17 05:28:55.787 - User Successfully Authenticated -
04/11/17 05:51:16.947 - Name Change Requested - User with ID 7288 requested a name change to Cadwell, Mace .
04/11/17 05:51:58.547 - User Profile Updated - User profile updated for Mace 14,Cadwell
04/11/17 05:52:08.610 - User Profile Updated - The user's main profile was updated.
04/12/17 08:58:19.703 - User Profile Updated - User profile updated for Mace Cadwell
04/12/17 08:58:29.927 - User Profile Updated - The user's main profile was updated.
04/12/17 09:45:31.200 - User Successfully Authenticated -
04/12/17 09:51:31.147 - SEI Report Filed - SEI Report Filed for year 2017
03/27/18 03:47:38.213 - SEI Report Filed - SEI Report Filed for year 2016
03/27/18 03:55:03.487 - SEI Report Amended - SEI Report Amended for year 2016
05/03/18 08:58:32.553 - SEI Report Filed - SEI Report Filed for year 2018

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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

Email: ogec.mail@oregon.gov

Website: www.oregon.gov/ogec

March 11, 2019

Denise McCarty
8993 N Clarendon Ave.
Portland OR 97203

Dear Ms. McCarty:

The written explanation of why your Q4 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, April 19, 2019, 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 \$2,100 penalty will be extended to coincide with the April 19th 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 2018

Lobbyist Code: 868
User Name: Denise McCarty
Email: dp_mccarty@yahoo.com

Q4 2018 Filing: 3/11/2019
Q4 2018 Expended: \$0.00
Q4 2018 Penalty: \$2,100.00

Denise McCarty
8993 N Clarendon Ave.
Portland, OR 97203

Activity Log - Q4 2018 to Date

10/12/18 02:22:20.170 - User Failed to Authenticate -
10/12/18 02:25:24.000 - User Failed to Authenticate -
10/16/18 01:30:07.497 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q3
10/17/18 01:30:07.363 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q3
10/17/18 11:30:38.410 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2018
10/17/18 11:33:03.213 - User Profile Updated - User profile updated for Denise McCarty
10/17/18 11:33:03.900 - User Profile Updated - The user's main profile was updated.
01/16/19 01:30:07.137 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/17/19 01:30:07.513 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/18/19 01:30:06.780 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/19/19 01:30:07.300 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/20/19 01:30:06.113 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/21/19 01:30:07.287 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/22/19 01:30:06.200 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/23/19 01:30:06.110 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/24/19 01:30:06.403 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/25/19 01:30:07.017 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/26/19 01:30:07.097 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/27/19 01:30:06.317 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/28/19 01:30:07.493 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/29/19 01:30:06.123 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/30/19 01:30:06.087 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2018 Q4
01/31/19 01:30:06.733 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/01/19 01:30:06.770 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/02/19 01:30:07.840 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/03/19 01:30:06.110 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/04/19 01:30:06.573 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/05/19 01:30:06.590 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/06/19 01:30:06.197 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/07/19 01:30:06.653 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/08/19 01:30:06.573 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/09/19 01:30:05.950 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/10/19 01:30:05.097 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/11/19 01:30:06.110 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/12/19 01:30:06.023 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/13/19 01:30:06.210 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/14/19 01:30:06.560 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/15/19 01:30:06.320 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/16/19 01:30:06.253 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/17/19 01:30:06.167 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/18/19 01:30:06.293 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/19/19 01:30:06.473 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/20/19 01:30:07.027 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/21/19 01:30:06.637 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/22/19 01:30:05.583 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/23/19 01:30:06.547 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/25/19 01:30:06.043 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/26/19 01:30:05.720 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/27/19 01:30:05.437 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
02/28/19 01:30:05.940 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
03/01/19 01:30:05.993 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
03/02/19 01:30:05.930 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
03/03/19 01:30:06.433 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
03/04/19 01:30:05.620 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
03/05/19 01:30:06.383 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
03/06/19 01:30:06.950 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4

Lobbyist Activity

Q4 2018

Lobbyist Code: 868
Lobbyist Name: Denise McCarty
Email: dp_mccarty@yahoo.com

Denise McCarty
8993 N Clarendon Ave.
Portland, OR 97203

Q4 2018 Filing:	3/11/2019
Q4 2018 Expended:	\$0.00
Q4 2018 Penalty:	\$2,100.00

03/07/19 01:30:06.000 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
03/08/19 01:30:05.987 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
03/09/19 01:30:06.497 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
03/10/19 01:30:05.973 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
03/11/19 01:30:05.913 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2018 Q4
03/11/19 08:36:13.840 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q4 2018
03/11/19 09:44:24.767 - Admin User Reset Initiated - An admin user reset was initiated.
03/11/19 09:45:12.720 - Admin User Password Reset Completed - A user reset their password using an admin reset.
03/11/19 09:45:27.923 - User Successfully Authenticated -
03/11/19 09:46:15.097 - User Profile Updated - User profile updated for Denise McCarty
03/11/19 09:46:15.130 - User Profile Updated - The user's main profile was updated.
03/11/19 09:46:30.410 - Admin User Reset Initiated - An admin user reset was initiated.

PAST VIOLATIONS: Q3, \$20, Letter of Education

RECOMMENDATION:

2nd violation 10% \$210⁰⁰
(RB)

BAIER Kathy * OGEC

From: Denise McCarty <dp_mccarty@yahoo.com>
Sent: Monday, March 11, 2019 9:39 AM
To: BAIER Kathy * OGEC
Subject: Filing and waiver request

Hello Kathy,

Per our additional conversation I have not worked at Oregon Bio for 9 months, and do not receive emails for the email on file with the Ethics Commission.

The Q4 termination was filed 14 days into Q4.

I am requesting that the fee that accumulated be waived and or heavily discounted considering these factors.

Regards
Denise McCarty

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)

CYLVIA HAYES)

) STIPULATED FINAL ORDER

) CASE NO. 14-191EDT

- _____)
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 Cylvia Hayes.
 2. JURISDICTION: At all material times, Cylvia Hayes was the First Lady of Oregon and an unpaid policy advisor to the Governor of Oregon. Ms. Hayes was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
 3. STIPULATED AND DISPUTED FACTS:
 - A. Cylvia Hayes was the First Lady of Oregon and an unpaid policy advisor to the Governor of Oregon on issues of clean energy, ocean health, and a clean economy from January 2011 to February 2015 when the events relevant to this case occurred.
 - B. During the time period relevant to this case, Ms. Hayes was the owner of 3E Strategies, LLC, a private for-profit business. 3E Strategies was a business with which she was associated, as defined in ORS 244.020(3). During the period 2011-2013, Ms. Hayes and 3E Strategies received payment to advocate, write, and speak on issues of clean energy, ocean health, and a clean economy.
 - C. Ms. Hayes was employed by Rural Development Initiatives (RDI) from February to July 2011 to work on clean economy issues and to raise funds. During her employment with RDI, Ms. Hayes had opportunities to contribute to policy decisions in the Office of the Governor and to make public appearances in her

official capacity as First Lady of Oregon. Those policies and appearances overlapped with the issues on which she was paid to work for RDI. She also had opportunities to involve Governor Kitzhaber and Governor's office staff in appearances and meetings supporting her work and to appear with Governor Kitzhaber at events related to her work. Ms. Hayes used these opportunities, which would not have been available but for her official position, to work on clean economy matters which simultaneously fulfilled her RDI employment duties as a paid employee and her roles as First Lady and advisor to the Governor.

- D. During 2011 and 2012, Ms. Hayes was a Clean Economy Acceleration Fellow with the Clean Economy Development Center (CEDC). Ms. Hayes solicited funding from staff of the Rockefeller Brothers Foundation and the Energy Foundation who were also working with the Office of the Governor on the same policy issues at the time, and knew that Ms. Hayes was First Lady and advisor to the Governor. The funders accepted the proposals and funded the fellowship program with the understanding that Ms. Hayes would be one of the paid fellows.

- E. During her fellowship with CEDC, payments for which were made through 3E Strategies, Ms. Hayes had opportunities to contribute to policy decisions in the Office of the Governor and to make public appearances in her official capacity as First Lady of Oregon. Those policies and appearances overlapped with the issues on which she was paid to work as a fellow with CEDC. She also had opportunities to involve Governor Kitzhaber and his staff in appearances and meetings supporting her work and to appear with Governor Kitzhaber at events related to her fellowship. Ms. Hayes used these opportunities, which would not have been available but for her official position, to work on clean economy matters which simultaneously fulfilled her obligations under the paid CEDC fellowship and her roles as First Lady and advisor to the Governor.

- F. Ms. Hayes, through 3E Strategies, entered into a contract with the Energy Foundation to work on clean economy acceleration issues for the period 5/1/13 to 12/31/13. Ms. Hayes solicited funding for this contract from the Rockefeller Brothers Foundation and the Energy Foundation. Both funders knew of Ms. Hayes's role as First Lady and policy advisor to the Governor, and this contract

built on the accomplishments of Ms. Hayes's CEDC Fellowship, which was also funded by the Rockefeller Brothers Foundation and the Energy Foundation and included work with the Office of the Governor.

- G. During her contract work with the Energy Foundation, Ms. Hayes had opportunities to contribute to policy decisions in the Office of the Governor and to make public appearances in her official capacity as First Lady of Oregon. Those policies and appearances overlapped with the issues on which she was paid to work for the Energy Foundation. She also had opportunities to involve Governor Kitzhaber and Governor's office staff in appearances and meetings supporting her work and to appear with Governor Kitzhaber at events related to her work for the Energy Foundation. Ms. Hayes used these opportunities, which would not have been available but for her official position, to work on the clean economy acceleration matters, which simultaneously fulfilled her obligations under her paid Energy Foundation contract and her roles as First Lady and advisor to the Governor.

- H. Ms. Hayes, through 3E Strategies, entered into a contract with Resource Media to work on ocean health issues for the period 2/19/13 to 12/31/13. Ms. Hayes solicited funding for this contract from the Packard, Lazar, and Marisla Foundations. Grant applications to fund the contract used Ms. Hayes's title of First Lady and the accomplishments of the CEDC fellowship, which included work with the Office of the Governor.

- I. During the period of her contract with Resource Media, Ms. Hayes had opportunities to contribute to policy decisions in the Office of the Governor and to make public appearances in her official capacity as First Lady of Oregon. Those policies and appearances overlapped with the issues on which she was paid to work for Resource Media. She also had opportunities to involve Governor Kitzhaber and Governor's Office staff in appearances and meetings supporting her work and to appear with Governor Kitzhaber at events related to her work for Resource Media. Ms. Hayes used these opportunities, which would not have been available but for her official position, to work on the matter of ocean health, which simultaneously fulfilled her obligations under her paid Resource Media contract and her roles as First Lady and advisor to the Governor.

- J. Ms. Hayes, through 3E Strategies, entered into a contract with Demos to work on Genuine Progress Indicator issues for the period 6/1/13 to 11/30/13. Demos knew of Ms. Hayes's role as First Lady and policy advisor to the Governor, and Ms. Hayes had worked with Demos in her role in the Office of the Governor to analyze Oregon's baseline GPI.

Ms. Hayes maintains that all work under the contract was directed at consulting outside the state of Oregon.

- K. During the period Ms. Hayes was working under contract with Demos, she had opportunities to contribute to policy decisions in the Office of the Governor and to make public appearances in her official capacity as First Lady of Oregon. Those policies and appearances overlapped with the issues on which she was paid to work for Demos. She also had opportunities to involve Governor Kitzhaber and Governor's office staff in appearances and meetings supporting her work and to appear with Governor Kitzhaber at events related to her work for Demos. Ms. Hayes used these opportunities, which would not have been available but for her official position, to work on GPI issues, which simultaneously fulfilled her obligations under the Demos paid contract and her roles as First Lady and advisor to the Governor.
- L. During the period January 2011-February 2015, Ms. Hayes received assistance from staff in the Office of the Governor in scheduling travel and meetings for her private business. Ms. Hayes also requested and received assistance from subject matter experts employed by the state to provide her with specific information, which she used to fulfill her paid contracts.
- M. During the period January 2011-February 2015, Ms. Hayes received pet care from staff in the Office of the Governor when traveling and attending to her private business clients.
- N. During the period January 2011-February 2015, Ms. Hayes received personal travel rewards on credit cards used to book travel through the Office of the Governor and frequent flyer miles for flights booked through the Office of the

Governor on one or more occasions when she traveled representing state government.

- O. ORS 244.040(1) prohibits a public official from using their official position or office to obtain financial gain for the public official or a business with which the public official is associated, if the financial gain or avoidance of financial detriment would not be available but for the public official's holding of their official position or office. Pursuant to ORS 292.230(2), the use of travel awards for personal travel when those awards are obtained while conducting state business constitutes personal gain from state employment and violates ORS 244.040.
- P. Ms. Hayes used her position as First Lady and policy advisor to the Governor when soliciting and securing funding on occasions from eight (8) organizations that funded her private, paid contracts. Ms. Hayes also used her official position to fulfill the requirements of each of the four (4) paid contracts and the one (1) paid position she held during the relevant period. The actions described in paragraphs C, D, E, F, G, H, I, J, and K, constituted thirteen (13) separate violations of the prohibition on use of official position for personal financial gain in ORS 244.040(1).
- Q. Ms. Hayes used her position as First Lady and policy advisor to the Governor to obtain a financial gain or avoid a financial detriment for herself or her business when she availed herself of the resources and staff of the Governor's Office to schedule travel and meetings for her private business, and care for her pets, and when she received personal travel rewards when travelling on official business. The actions described in paragraphs L, M, and N, constituted three (3) violations of the prohibition on use of official position for personal financial gain in ORS 244.040(1).
- R. Ms. Hayes was met with potential conflicts of interest in her official position as First Lady and policy advisor to the Governor while she was employed by RDI in 2011 because her policy recommendations and public appearances in her official capacity could have resulted in a financial benefit or detriment to her personally or to 3E Strategies, a business with which she was associated.

- S. Ms. Hayes was met with potential conflicts of interest in her official position as First Lady and policy advisor to the Governor while she was a fellow with CEDC in 2011 and 2012 because her policy recommendations and public appearances in her official capacity could have resulted in a financial benefit or detriment to her personally or to 3E Strategies, a business with which she was associated.
- T. Ms. Hayes was met with potential conflicts of interest in her official position as First Lady and policy advisor to the Governor while was performing paid contractual work for Resource Media, the Energy Foundation, and Demos in 2013 because her policy recommendations and public appearances in her official capacity could have resulted in a financial benefit or detriment to her personally or to 3E Strategies, a business with which she was associated.
- U. ORS 244.120 requires public officials to disclose conflicts of interest prior to taking any official action that could or would result in financial impact to the public official, a relative of the public official or a business with which the public official or a relative is associated. An appointed official, such as Ms. Hayes, is required by ORS 244.120(1)(c) to notify in writing the person who appointed her to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.
- V. Ms. Hayes maintains that she notified senior staff within the administration about her efforts to obtain consulting work and solicited advice about the draft contracts. Later, in July 2013, Ms. Hayes disclosed to Curtis Robinhold, Chief of Staff in the Office of the Governor, that she had been performing paid work under three different contracts with the Energy Foundation, Resource Media, and Demos. These disclosures were made after the contractual period began and they were only made a single time, not on each occasion that Ms. Hayes was met with a conflict of interest. In response to these disclosures, Ms. Hayes was instructed to keep her public position separate from her private business by, among other things, not using Governor's Office time, employees, records, equipment, or

confidential information, to fulfill her private contracts.

- W. When Ms. Hayes was met with potential conflicts of interest related to her paid employment or contractual work as described in paragraphs R, S and T, she did not comply with the disclosure and disposition provisions of the conflict of interest law on each occasion she took official actions in her capacity as First Lady or advisor to the Governor, that could or would financially impact herself or her business, as required by ORS 244.120(1)(c). Ms. Hayes's failure to timely notify her appointing authority in writing of the nature of her potential conflicts of interest related to the five organizations which paid her during this time, constituted five (5) violations of ORS 244.120(1)(c).

Ms. Hayes maintains that she sought legal advice from the Governor's legal counsel and followed that advice.

- X. Ms. Hayes had the authority as First Lady and advisor to the Governor to select airlines and accommodations when using state funds to travel on official business. Ms. Hayes received a gift of Premier Platinum Status from United Airlines in 2013, following a complaint she lodged with the airlines in her capacity as First Lady.

Ms. Hayes maintains that she did not know that she had received Premier Platinum travel status and did not knowingly use the status upgrade.

- Y. ORS 244.025 prohibits a public official from accepting a gift from a single source during a calendar year that exceeds \$50 if the source of the gift has an economic interest in the decision-making of the public official.

- Z. The action described in paragraph X constitutes one violation of ORS 244.025.

- AA. Cylvia Hayes maintains that she did not intentionally use her position as First Lady or unpaid advisor to the Governor to advance the financial interests of herself or her business, 3E Strategies. The Commission made no finding that Cylvia Hayes intentionally used her position as First Lady or unpaid advisor to the Governor to advance her own financial interests or those of her business, 3E Strategies. Such

intent is not a necessary element of ORS 244.040(1).

- BB. ORS 244.350 authorizes the Commission to assess civil penalties of up to \$110,000 as a result of the twenty-two (22) violations contained in paragraphs C, D, E, F, G, H, I, J, K, L, M, N, R, S, T, and X.
- CC. The Commission contends that 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 16 violations of ORS 244.040(1), 5 violations of ORS 244.120(1)(c), and 1 violation of ORS 244.025.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On 1/5/2018, the Commission moved to make preliminary findings of twenty-two (22) violations of Oregon Government Ethics law after considering information in the investigative phase. Ms. Hayes disputes some of the findings as noted above, but wishes to conclude this matter by not contesting the ultimate violations in this order.
- B. Ms. Hayes will agree to a civil penalty, as authorized by ORS 244.350, in the amount of \$50,000.00 in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Cylvia Hayes within the scope of the above-referenced proceedings.
- D. Cylvia Hayes 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.

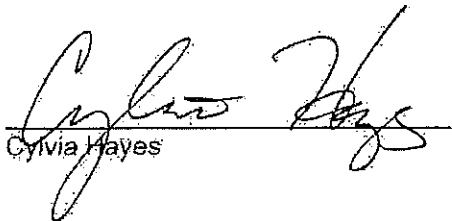
6. EFFECT:

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.

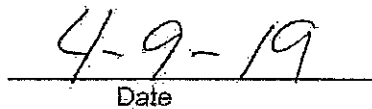
By signing this agreement, Cylvia Hayes agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Cylvia Hayes 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.



Cylvia Hayes



Date

Richard P. Burke, Chair
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
)

Steve Holm)
)
)
)
)
)

STIPULATED FINAL ORDER

CASE NO. 15-280EDT

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 Steve Holm.

2. JURISDICTION: At all material times, Steve Holm was a member of the board of directors for the Lakeside Rural Fire Protection District. As such, Mr. Holm was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:
 - A. In his position as board member of Lakeside Fire District, Steve Holm signed two documents under the advisement of the fire district's legal counsel. One document, signed along with a majority of other board members on 4/10/15, authorized fire district legal counsel to represent them in any matters involving the Commission. Mr. Holm and other board members also signed individual notices of attorney representation on 5/20/15, which were sent to the Commission to provide notice that fire district legal counsel represented them against complaints in preliminary review and investigation.

- B. Steve Holm, in acting as a board member of the Lakeside Fire District, was met with a conflict of interest in signing the documents described in paragraph (A), which authorized fire district legal counsel to represent him. Mr. Holm did not publicly disclose the nature of his conflict of interest prior to signing these documents.
- C. At the expense of Lakeside Fire District, Mr. Holm was represented by the fire district's legal counsel during portions of preliminary review or investigation in Government Ethics Commission Case Nos. 15-146XDT, 15-152XDT, 15-162XDT, and 15-206XDT.
- D. ORS 244.040(1) prohibits any public official from using their official position or office to obtain financial gain for the public official, other than official salary, honoraria or reimbursement of expenses.
- E. ORS 244.120 requires public officials to disclose conflicts of interest prior to taking official action, which could or would result in financial impact to the public official, a relative of the public official or a business with which the public official or a relative is associated.
- F. The actions described in paragraphs (A) and (C) above constituted a violation of ORS 244.040(1).
- G. The actions described in paragraphs (A) and (B) above constituted a violation of ORS 244.120(2).
- H. ORS 244.350 authorizes the Commission to assess civil penalties of up to \$5,000 per violation.

- I. ORS 244.360 authorizes the Commission to order Mr. Holm to pay a monetary forfeiture of twice the amount of any financial gain Mr. Holm realized as a result of these violations.
- J. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 244.040(1) and ORS 244.120(2).
- K. Steve Holm disagrees with the above conclusions and contends that the results of the investigation, if submitted through exhibits and testimony in a contested case hearing, would not establish a preponderance of evidence in support of any violations of ORS 244.040 or 244.120 because at all times he was acting on the advice of the Fire District's legal counsel. In order to conclude this matter, however, Mr. Holm agrees to the terms and conditions in this Stipulated Final Order.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On 8/12/16, the Commission acted to find violation, bring the investigative phase to a close and move to a negotiated settlement or a contested case hearing. The 8/12/16 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 Steve Holm.

- B. Mr. Holm was acting in reliance on the public body's legal counsel when the violations occurred and will therefore receive a letter of education, in lieu of the civil penalty authorized by ORS 244.350, in order to settle and compromise this matter.
- C. Mr. Holm will not pay a forfeiture as authorized by ORS 244.360.
- D. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Mr. Holm within the scope of the above-referenced proceedings.
- E. Mr. Holm 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, Steve Holm 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, Steve Holm 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.

there is no financial gain??

Steve Holm

Steve Holm

2-28-19



Date

Richard P. Burke, Chairperson
Oregon Government Ethics Commission

Date

*I am reluctantly signing to close
the matter -*

MEMORANDUM

DATE: April 9, 2019
TO: Ron Bersin 
Executive Director
FROM: Susan Myers 
Investigator
SUBJECT: Respondent: Steve Holm
Case No. 15-282EDT

At the March 7, 2019 meeting, the Commission voted to postpone consideration of the Holm matter until a date certain (the next Commission meeting). In advance of that meeting, I wanted to provide additional information and background.

Status: Following the March 7th meeting, when the Commission postponed consideration of the proposed Stipulated Final Order, we attempted to contact Mr. Holm to see if he would be willing to sign a revised Stipulated Final Order. Despite numerous attempts, we have been unable to reach Mr. Holm by telephone or e-mail.

Throughout all of the earlier proceedings in the various Lakeside Fire District cases, Mr. Holm was generally unresponsive. He did not submit any response during the Preliminary Review or Investigative phases in this case. Over the course of three years, we sent him proposed stipulations multiple times, and only received responses twice: one telling us he would not sign; and one where he finally did sign the proposed stipulation.

Background: This case against Steve Holm was one of five related cases against the Board of Directors of the Lakeside Fire District. The investigation revealed that the board members had signed documents authorizing the District's legal counsel, David Tilton, to represent the individual board members on all legal matters before the Commission.

The investigation revealed that the legal fees for representing the individual board members were not paid through any insurance coverage or compensation package; rather, Mr. Tilton's fees were paid directly by the Fire District. Mr. Tilton confirmed that prior to the Commission matters his billings for the Fire District were roughly \$400 to \$600 per quarter. After the Commission matters, his billings for the Fire District increased to \$4,000 to \$6,000 per quarter. The increase was due, in part, to his representation of the individual board members before the Commission, and in part due to his increased attendance at Fire District Board meetings.

At its meeting on August 12, 2016, the Commission voted unanimously to make preliminary findings of one violation of ORS 244.120 and one violation of ORS 244.040 against each of the five Board members.

Stipulations and Letters of Education: As mentioned, the case against Mr. Holm was one of five related cases against the Fire District Board of Directors. Below is a summary of the status of each of those related cases:

- 15-278EDT Fred Clauson: Fred Clauson signed a Stipulated Final Order for two violations (one of 244.120 and one of 244.040). It was entered by the Commission on December 16, 2016. Mr. Clauson received a Letter of Education on 12/16/16.
- 15-279EDT Lona Owens: Lona Owens passed away during the investigative phase. The case against her was dismissed by the Commission on 08/12/16.
- 15-280EDT Steve Holm: This is the matter currently pending before the Commission. The Stipulated Final Order and Letter of Education for Mr. Holm are the same as those entered by the Commission for the other Board members.
- 15-281EDT Doris Ryner: Doris Rhyner signed a Stipulated Final Order for two violations (one of 244.120 and one of 244.040). It was entered by the Commission on September 23, 2016. Ms. Rhyner received a Letter of Education on 9/23/16.
- 15-282EDT John Miller: John Miller signed a Stipulated Final Order for two violations (one of 244.120 and one of 244.040). It was entered by the Commission on August 10, 2018. Mr. Miller received a Letter of Education on 8/10/18.

The minutes from the meeting on August 10, 2018, when Board Member John Miller's Stipulated Final Order was approved, are as follows:

Agenda Item 15, 15-282EDT, John Miller, Board of Directors, Lakeside Rural Fire Protection District. Hedrick summarized the case. 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. The Commission generally discussed the procedures. Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion pass unanimously.

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
)
)
John Phelan)
)
)
_____)

STIPULATED FINAL ORDER

CASE NO. 17-137EMT

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 John Phelan.

2. JURISDICTION: At all material times, John Phelan was the Director of Public Works for Yamhill County. John Phelan was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:
 - A. As the Yamhill County Director of Public Works, John Phelan is assigned a County vehicle, which under County Policy 02-111 he is permitted to drive while at work and between work and his home.

 - B. Yamhill County Policy, Board Order 02-111, prohibits employees who are assigned vehicles to use those vehicles for any non-county business.

 - C. On March 10, 2017, John Phelan used his assigned County vehicle for non-county business when he drove it from McMinnville to Salem and back. The purpose of his visit to Salem was to attend a Commission meeting to address an investigation of an ethics complaint in which he was the respondent.

- D. ORS 244.040(1) prohibits any public official from using their official position or office to obtain financial gain or avoid financial detriment for the public official, other than official salary, honoraria or reimbursement of expenses.
- E. John Phelan's use of his assigned County vehicle for personal business allowed him to avoid the financial detriment of using his own personal vehicle and paying for his own gas.
- F. Each of the actions described in paragraph (C), above, constitute a distinct violation of ORS 244.040(1).
- G. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find a violation of ORS 244.040(1).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On December 14, 2018, the Commission acted to find a violation, bring the investigative phase to a close and move to a negotiated settlement or a contested case hearing. The December 14, 2018 action was a preliminary finding of violation 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 John Phelan.
- B. John Phelan will pay a civil penalty, as authorized by ORS 244.350, in the amount of \$150.00 in order to settle and compromise this matter.

- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against John Phelan within the scope of the above-referenced proceedings.
- D. John Phelan will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

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

6. EFFECT:

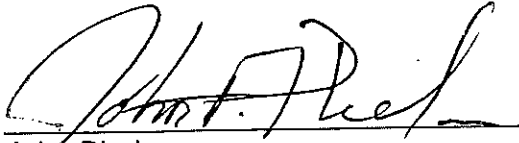
This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, John Phelan 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.

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

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



John Phelan

3-18-19
Date

Richard P. Burke, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
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)
) **STIPULATED FINAL ORDER**
 Dick Anderson)
) **CASE NO. 18-207XDG**
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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 Dick Anderson.

2. JURISDICTION: At all material times, Dick Anderson was a member of the City Council for the City of Lincoln City. As the governing body of a public body, the members of the City Council are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.

3. STIPULATED FACTS:
 - A. Dick Anderson participated in an executive session held by the City Council on April 24, 2017. The statutory provisions cited as authority for the executive session were ORS 192.660(2)(i), to review and evaluate employment related performance, and ORS 192.660(2)(d), to confer with labor negotiators.

 - B. During the executive session on April 24, 2017, Mr. Anderson and the rest of the City Council discussed the employment performance evaluation of the city manager. Before moving on to meeting with its labor negotiators, the City Council shifted topics and began discussing a new topic that had not been announced.



- C. Discussion of the new topic began when the Mayor raised the issue of a complaint against and investigation of the city attorney. One or more councilors questioned whether the matter could be discussed under ORS 192.660(2)(i); the Mayor stated it was permissible and that he had checked with "ethics." The City Council began discussing the new complaint against and investigation of the city attorney. None of the councilors left the room and all of them participated in the discussion.
- D. Discussion of a complaint against and investigation of the city attorney is a topic permitted in an executive session convened under ORS 192.660(2)(b), assuming that the statutory prerequisites had been met.
- E. In this case, the topic of a complaint against and investigation of the city attorney had not been publicly announced and was not authorized by either of the statutory authorities cited for this executive session, and the appropriate statutory authority for this topic had not been cited.
- F. A news media representative was present during the executive session on April 24, 2017. Prior to the City Council's discussion of the complaint against and investigation of the city attorney, the news media representative was asked to leave the room. The representative complied with the request.
- G. ORS 192.660(4) directs that "[r]epresentatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061(2) but the governing body may require that specific information be undisclosed."
- H. On April 24, 2017, the City Council effectively removed a news media representative and prevented their attendance at the portion of the executive session during which the City Council discussed the complaint against and investigation of the city attorney.

- I. The actions set forth in paragraphs 3(B), (C), (F) and (H) constitute two distinct violations of ORS 192.660.
- J. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$2,000 for these violations of ORS 192.660.
- K. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660(2).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On December 14, 2018, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of this matter. Dick Anderson has indicated that he wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Mr. Anderson will receive a letter of education, as authorized by ORS 244.350, 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 Dick Anderson within the scope of the above-referenced proceedings.
- D. Dick Anderson 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.

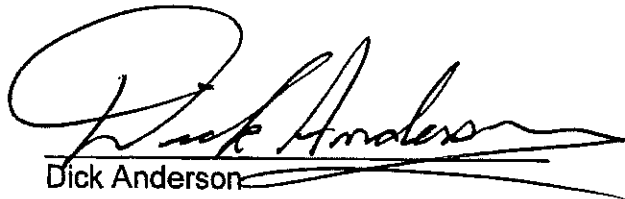
6. EFFECT:

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, Dick Anderson 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, Dick Anderson 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.


Dick Anderson

4/2/19
Date

Richard P. Burke, Chairperson
Oregon Government Ethics Commission

Date

- C. Discussion of the new topic began when the Mayor raised the issue of a complaint against and investigation of the city attorney. One or more councilors questioned whether the matter could be discussed under ORS 192.660(2)(i); the Mayor stated it was permissible and that he had checked with "ethics." The City Council began discussing the new complaint against and investigation of the city attorney. None of the councilors left the room and all of them participated in the discussion.
- D. Discussion of a complaint against and investigation of the city attorney is a topic permitted in an executive session convened under ORS 192.660(2)(b), assuming that the statutory prerequisites had been met.
- E. In this case, the topic of a complaint against and investigation of the city attorney had not been publicly announced and was not authorized by either of the statutory authorities cited for this executive session, and the appropriate statutory authority for this topic had not been cited.
- F. A news media representative was present during the executive session on April 24, 2017. Prior to the City Council's discussion of the complaint against and investigation of the city attorney, the news media representative was asked to leave the room. The representative complied with the request.
- G. ORS 192.660(4) directs that "[r]epresentatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061(2) but the governing body may require that specific information be undisclosed."
- H. On April 24, 2017, the City Council effectively removed a news media representative and prevented their attendance at the portion of the executive session during which the City Council discussed the complaint against and investigation of the city attorney.

- I. The actions set forth in paragraphs 3(B), (C), (F) and (H) constitute two distinct violations of ORS 192.660.
- J. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$2,000 for these violations of ORS 192.660.
- K. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660(2).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On December 14, 2018, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of this matter. Judy Casper has indicated that she wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Ms. Casper will receive a letter of education, as authorized by ORS 244.350, 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 Judy Casper within the scope of the above-referenced proceedings.
- D. Judy Casper 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.

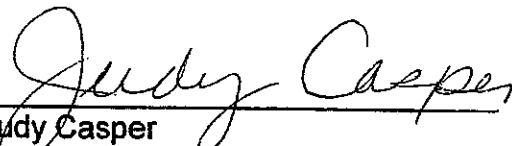
6. EFFECT:

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, Judy Casper 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, Judy Casper 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.



Judy Casper



Date

Richard P. Burke, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
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 Diana Hinton)
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STIPULATED FINAL ORDER

CASE NO. 18-209XDG

- 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 Diana Hinton.

- 2. **JURISDICTION:** At all material times, Diana Hinton was a member of the City Council for the City of Lincoln City. As the governing body of a public body, the members of the City Council are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.

- 3. **STIPULATED FACTS:**
 - A. Diana Hinton participated in an executive session held by the City Council on April 24, 2017. The statutory provisions cited as authority for the executive session were ORS 192.660(2)(i), to review and evaluate employment related performance, and ORS 192.660(2)(d), to confer with labor negotiators.

 - B. During the executive session on April 24, 2017, Ms. Hinton and the rest of the City Council discussed the employment performance evaluation of the city manager. Before moving on to meeting with its labor negotiators, the City Council shifted topics and began discussing a new topic that had not been announced.

- C. Discussion of the new topic began when the Mayor raised the issue of a complaint against and investigation of the city attorney. One or more councilors questioned whether the matter could be discussed under ORS 192.660(2)(i); the Mayor stated it was permissible and that he had checked with "ethics." The City Council began discussing the new complaint against and investigation of the city attorney. None of the councilors left the room and all of them participated in the discussion.
- D. Discussion of a complaint against and investigation of the city attorney is a topic permitted in an executive session convened under ORS 192.660(2)(b), assuming that the statutory prerequisites had been met.
- E. In this case, the topic of a complaint against and investigation of the city attorney had not been publicly announced and was not authorized by either of the statutory authorities cited for this executive session, and the appropriate statutory authority for this topic had not been cited.
- F. A news media representative was present during the executive session on April 24, 2017. Prior to the City Council's discussion of the complaint against and investigation of the city attorney, the news media representative was asked to leave the room. The representative complied with the request.
- G. ORS 192.660(4) directs that "[r]epresentatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061(2) but the governing body may require that specific information be undisclosed."
- H. On April 24, 2017, the City Council effectively removed a news media representative and prevented their attendance at the portion of the executive session during which the City Council discussed the complaint against and investigation of the city attorney.

- I. The actions set forth in paragraphs 3(B), (C), (F) and (H) constitute two distinct violations of ORS 192.660.
- J. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$2,000 for these violations of ORS 192.660.
- K. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660(2).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On December 14, 2018, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of this matter. Diana Hinton has indicated that she wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Ms. Hinton will receive a letter of education, as authorized by ORS 244.350, 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 Diana Hinton within the scope of the above-referenced proceedings.
- D. Diana Hinton 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.

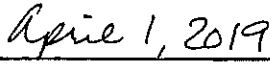
By signing this agreement, Diana Hinton agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Diana Hinton 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.



Diana Hinton



Date

Richard P. Burke, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Dennis Hoagland

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STIPULATED FINAL ORDER

CASE NO. 18-210XDG

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 Dennis Hoagland.

2. JURISDICTION: At all material times, Dennis Hoagland was a member of the City Council for the City of Lincoln City. As the governing body of a public body, the members of the City Council are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.

3. STIPULATED FACTS:
 - A. Dennis Hoagland participated in an executive session held by the City Council on April 24, 2017. The statutory provisions cited as authority for the executive session were ORS 192.660(2)(i), to review and evaluate employment related performance, and ORS 192.660(2)(d), to confer with labor negotiators.

 - B. During the executive session on April 24, 2017, Mr. Hoagland and the rest of the City Council discussed the employment performance evaluation of the city manager. Before moving on to meeting with its labor negotiators, the City Council shifted topics and began discussing a new topic that had not been announced.

- C. Discussion of the new topic began when the Mayor raised the issue of a complaint against and investigation of the city attorney. One or more councilors questioned whether the matter could be discussed under ORS 192.660(2)(i); the Mayor stated it was permissible and that he had checked with "ethics." The City Council began discussing the new complaint against and investigation of the city attorney. None of the councilors left the room and all of them participated in the discussion.
- D. Discussion of a complaint against and investigation of the city attorney is a topic permitted in an executive session convened under ORS 192.660(2)(b), assuming that the statutory prerequisites had been met.
- E. In this case, the topic of a complaint against and investigation of the city attorney had not been publicly announced and was not authorized by either of the statutory authorities cited for this executive session, and the appropriate statutory authority for this topic had not been cited.
- F. A news media representative was present during the executive session on April 24, 2017. Prior to the City Council's discussion of the complaint against and investigation of the city attorney, the news media representative was asked to leave the room. The representative complied with the request.
- G. ORS 192.660(4) directs that "[r]epresentatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061(2) but the governing body may require that specific information be undisclosed."
- H. On April 24, 2017, the City Council effectively removed a news media representative and prevented their attendance at the portion of the executive session during which the City Council discussed the complaint against and investigation of the city attorney.

- I. The actions set forth in paragraphs 3(B), (C), (F) and (H) constitute two distinct violations of ORS 192.660.
- J. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$2,000 for these violations of ORS 192.660.
- K. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660(2).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On December 14, 2018, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of this matter. Dennis Hoagland has indicated that he wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Mr. Hoagland will receive a letter of education, as authorized by ORS 244.350, 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 Dennis Hoagland within the scope of the above-referenced proceedings.
- D. Dennis Hoagland 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, Dennis Hoagland 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, Dennis Hoagland 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.



Dennis Hoagland

4/5/2019

Date

Richard P. Burke, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
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STIPULATED FINAL ORDER
CASE NO. 18-211XDG

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 Susan Wahlke.

2. **JURISDICTION:** At all material times, Susan Wahlke was a member of the City Council for the City of Lincoln City. As the governing body of a public body, the members of the City Council are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.

3. **STIPULATED FACTS:**
 - A. Susan Wahlke participated in an executive session held by the City Council on April 24, 2017. The statutory provisions cited as authority for the executive session were ORS 192.660(2)(i), to review and evaluate employment related performance, and ORS 192.660(2)(d), to confer with labor negotiators.

 - B. During the executive session on April 24, 2017, Ms. Wahlke and the rest of the City Council discussed the employment performance evaluation of the city manager. Before moving on to meeting with its labor negotiators, the City Council shifted topics and began discussing a new topic that had not been announced.

- C. Discussion of the new topic began when the Mayor raised the issue of a complaint against and investigation of the city attorney. One or more councilors questioned whether the matter could be discussed under ORS 192.660(2)(i); the Mayor stated it was permissible and that he had checked with "ethics." The City Council began discussing the new complaint against and investigation of the city attorney. None of the councilors left the room and all of them participated in the discussion.
- D. Discussion of a complaint against and investigation of the city attorney is a topic permitted in an executive session convened under ORS 192.660(2)(b), assuming that the statutory prerequisites had been met.
- E. In this case, the topic of a complaint against and investigation of the city attorney had not been publicly announced and was not authorized by either of the statutory authorities cited for this executive session, and the appropriate statutory authority for this topic had not been cited.
- F. A news media representative was present during the executive session on April 24, 2017. Prior to the City Council's discussion of the complaint against and investigation of the city attorney, the news media representative was asked to leave the room. The representative complied with the request.
- G. ORS 192.660(4) directs that "[r]epresentatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061(2) but the governing body may require that specific information be undisclosed."
- H. On April 24, 2017, the City Council effectively removed a news media representative and prevented their attendance at the portion of the executive session during which the City Council discussed the complaint against and investigation of the city attorney.

- I. The actions set forth in paragraphs 3(B), (C), (F) and (H) constitute two distinct violations of ORS 192.660.
- J. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$2,000 for these violations of ORS 192.660.
- K. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660(2).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On December 14, 2018, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of this matter. Susan Wahlke has indicated that she wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Ms. Wahlke will receive a letter of education, as authorized by ORS 244.350, 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 Susan Wahlke within the scope of the above-referenced proceedings.
- D. Susan Wahlke 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, Susan Wahlke 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, Susan Wahlke 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.



Susan Wahlke



Date

Richard P. Burke, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)
)
)

Don Williams)
)
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STIPULATED FINAL ORDER

CASE NO. 18-212XDG

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 Don Williams.

2. JURISDICTION: At all material times, Don Williams was the Mayor of the City of Lincoln City. As the governing body of a public body, the Mayor and members of the City Council are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.

3. STIPULATED FACTS:
 - A. Don Williams participated in an executive session held by the City Council on April 24, 2017. The statutory provisions cited as authority for the executive session were ORS 192.660(2)(i), to review and evaluate employment related performance, and ORS 192.660(2)(d), to confer with labor negotiators.

 - B. During the executive session on April 24, 2017, Mr. Williams and the rest of the City Council discussed the employment performance evaluation of the city manager. Before moving on to meeting with its labor negotiators, the City Council shifted topics and began discussing a new topic that had not been announced.

- C. Discussion of the new topic began when the Mayor raised the issue of a complaint against and investigation of the city attorney. One or more councilors questioned whether the matter could be discussed under ORS 192.660(2)(i); the Mayor stated it was permissible and that he had checked with "ethics." The City Council began discussing the new complaint against and investigation of the city attorney. None of the councilors left the room and all of them participated in the discussion.
- D. Discussion of a complaint against and investigation of the city attorney is a topic permitted in an executive session convened under ORS 192.660(2)(b), assuming that the statutory prerequisites had been met.
- E. In this case, the topic of a complaint against and investigation of the city attorney had not been publicly announced and was not authorized by either of the statutory authorities cited for this executive session, and the appropriate statutory authority for this topic had not been cited.
- F. A news media representative was present during the executive session on April 24, 2017. Prior to the City Council's discussion of the complaint against and investigation of the city attorney, the news media representative was asked to leave the room. The representative complied with the request.
- G. ORS 192.660(4) directs that "[r]epresentatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061(2) but the governing body may require that specific information be undisclosed."
- H. On April 24, 2017, the City Council effectively removed a news media representative and prevented their attendance at the portion of the executive session during which the City Council discussed the complaint against and investigation of the city attorney.

- I. The actions set forth in paragraphs 3(B), (C), (F) and (H) constitute two distinct violations of ORS 192.660.
- J. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$2,000 for these violations of ORS 192.660.
- K. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660(2).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On December 14, 2018, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of this matter. Don Williams has indicated that he wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Mr. Williams will receive a letter of education, as authorized by ORS 244.350, 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 Don Williams within the scope of the above-referenced proceedings.
- D. Don Williams 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.

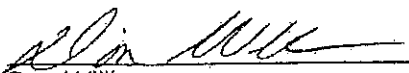
6. EFFECT:

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, Don Williams 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, Don Williams 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.



Don Williams

4/9/19

Date

Richard P. Burke, Chairperson
Oregon Government Ethics Commission

Date

OREGON GOVERNMENT ETHICS COMMISSION

INVESTIGATION

CASE NO: 18-185EHW

DATE: 04/10/2019

RESPONDENT: STEMPEL, Tamara (Tammy), Mayor & Budget Committee Member, City of Gladstone

COMPLAINANT: WENTZ, Libby, Planning Commissioner, City of Gladstone

RECOMMENDED ACTION: Make a Preliminary Finding of 2 Violations of ORS 244.120(2)

1 **SYNOPSIS:** Tammy Stempel was the Mayor and a member of the Budget Committee
2 for the City of Gladstone (City) when the events relevant to this investigation occurred.
3 The focus of this investigation was to determine whether a preponderance of evidence
4 exists to indicate that Tammy Stempel violated ORS Chapter 244 by failing to properly
5 dispose of conflicts of interest in a City Budget Committee meeting on 4/17/17 and in a
6 City Council meeting on 6/12/18.

7
8 In the 4/17/17 Budget Committee meeting, which Ms. Stempel attended as Chair, the
9 Budget Committee vote to approve the Fire Department 2017 – 2019 budget for adoption
10 by City Council, which included the addition of two new, permanent, full-time Fire Captain
11 positions. Ms. Stempel's husband, who had been a City Fire Fighter since 2005, was
12 temporarily filling in for an injured fire chief at the time, and was ultimately promoted to
13 one of the new positions after the budget was adopted by City Council. According to Ms.
14 Stempel, she did not believe that she had a conflict of interest in this meeting, so she did
15 not announce any conflict of interest. There appears to be a preponderance of evidence
16 to indicate that Tammy Stempel failed to announce a potential conflict of interest in the
17 4/17/17 Budget Committee meeting, violating ORS 244.120(2).

18 //

1 In the 6/12/18 City Council meeting, Council voted to approve placing the renewal of the
2 City's Fire and Medical Services Operating Levy (Levy) on the November 2018 ballot for
3 voter approval. During the meeting, the Fire Chief stated that non-renewal of the Levy
4 could financially affect the Fire Department as a whole. There appears to be a
5 preponderance of evidence to indicate that Tammy Stempel failed to announce a potential
6 conflict of interest in the 6/12/18 City Council meeting, violating ORS 244.120(2).

7
8 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
9 issues addressed herein:

10
11 **ORS 244.020 Definitions.** As used in this chapter, unless the context requires
12 otherwise:

13
14 (1) "Actual 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 would be to the private pecuniary benefit or detriment of the person or the
17 person's relative or any business with which the person or a relative of the person
18 is associated unless the pecuniary benefit or detriment arises out of circumstances
19 described in subsection (13) of this section.

20
21 (13) "Potential conflict of interest" means any action or any decision or
22 recommendation by a person acting in a capacity as a public official, the effect of
23 which could be to the private pecuniary benefit or detriment of the person or the
24 person's relative, or a business with which the person or the person's relative is
25 associated, unless the pecuniary benefit arises out of the following:

26
27 (a) An interest or membership in a particular business, industry, occupation
28 or other class required by law as a prerequisite to the holding by the person
29 of the office or position.

30 //

31 //

1 (b) Any action in the person's official capacity which would affect to the
2 degree a class consisting of all inhabitants of the state, or a smaller class
3 consisting of an industry, occupation or other group including one of which
4 or in which the person, or the person's relative is associated, in a member
5 or is engaged * * * .
6

7 (15) "Public official" means the First Partner and any person who, when an alleged
8 violation of this chapter occurs, is serving the State of Oregon or any of its political
9 subdivisions or any other public body as defined in ORS 174.109 as an elected
10 official, appointed official, employee or agent, irrespective of whether the person is
11 compensated for the services.
12

13 (16) "Relative" means:

14 (a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or
15 daughter-in-law of the public official or candidate * * * .
16

17 **ORS 244.120 Methods of handling conflicts; Legislative Assembly; judges;**
18 **appointed officials; other elected officials or members of boards.** (2) An
19 elected public official, other than a member of the Legislative Assembly, or an
20 appointed public official serving on a board or commission, shall:
21

22 (a) When met with a potential conflict of interest, announce publicly the
23 nature of the potential conflict prior to taking any action thereon in the
24 capacity of a public official; or
25

26 (b) When met with an actual conflict of interest, announce publicly the
27 nature of the actual conflict and: (A) * * * [R]efrain from participating as a
28 public official in any discussion or debate on the issue out of which the
29 actual conflict arises or from voting on the issue.
30

1 working knowledge of issues such as conflict and bias and should not have to rely
2 on others to point it out to her. After the Budget Committee approves the budget,
3 it goes to the City Council where it is adopted. During [the 6/13/17] City Council
4 meeting, where the budget was adopted, the [C]ity [A]ttorney advise[d] Mayor
5 Stempel to recuse herself due to the conflict. Which she did. * * * [Item #17 of the
6 6/13/17 City Council meeting minutes (which were attached to the complaint)
7 confirms that Mayor Stempel declared a conflict of interest and recused [herself]
8 from participating in the Fire Department budget.]
9

10 At the [6/12/18] Gladstone City Council meeting, the Council deliberated and voted
11 to place a Fire Services Operating Levy on the November 2018 ballot. Mayor
12 Stempel answered the roll call for this meeting. There was a unanimous vote to
13 approve the inclusion of the Fire Services Operating Levy on the ballot. No record
14 of Mayor Stempel recusing herself is noted. This is the second time Mayor Stempel
15 deliberated and voted on a matter that benefits her financially, even after having
16 previously recused herself from the [6/13/17] Council meeting. Without this Levy,
17 it is possible that the Fire Captain positions would need to be eliminated. This could
18 affect her husband's paid position as a Fire Captain. The written minutes of the
19 [4/17/17] Gladstone Budget Committee meeting, [6/13/17] Gladstone City Council
20 meeting, and the [6/12/18] Gladstone City Council meeting have been attached to
21 this complaint." (#PR1)
22

23 RESPONSE

24 On receiving notice that a complaint had been filed, on 9/13/2018, Ms. Stempel provided
25 a letter in response, which is excerpted below (a full copy was previously provided to the
26 Commissioners with the preliminary review report).
27

28 As to the allegations regarding the 4/17/17 Budget committee meeting, Ms. Stempel
29 responded:

30 //

31 //

1 ** * * * * Correct, I did not recuse myself when the Budget Committee discussed
2 and made a recommendation to approve the 2017-2019 city budget. * * * * [I]
3 recused [myself] * * * * from the [6/13/17] City Council discussion on the budget
4 claiming a conflict * * * * upon a recommendation by our city attorney, M. David
5 Doughman. * * * * *

6
7 I did chair the [4/17/17 Budget Committee] meeting, however I did not vote.
8 Beginning with my appointment as * * * * Planning Commission [chair] in 2014, my
9 policy is to only vote if there is a tie or when a roll-call vote is required * * * * [or] if
10 there is an agenda item I would like to make a public statement [on] by adding my
11 vote. However, the Budget Committee is not one of those. * * * * *” (#PR2)

12
13 In response to the allegations regarding the 6/12/18 City Council meeting, Ms. Stempel’s
14 letter stated:

15
16 “That is correct. The council voted unanimously, via roll call vote, to place the Fire
17 Services Operating Levy on the November 2018 ballot. And yes, I obviously voted
18 in the positive. I would not recuse myself from a vote that impacted the fire
19 department as a whole, in matters without any financial gain or conflict. * * * * First,
20 the position funded by this levy is for a full-time training coordinator * * * *. My
21 husband’s job is funded by the General Fund and SAFER Grant. His position is
22 not supported by this levy.” (#PR2)

23
24 Ms. Stempel also attached copies of the following documents to her response: a City of
25 Gladstone Fire Department memo dated 8/7/17; a job description for the position of Fire
26 Captain with the City of Gladstone; a staff report on the SAFER grant dated 8/8/17; her
27 husband’s (Kirk Stempel’s) resume; the Fire Services Levy ballot measure fact sheet
28 dated September 2018; a bullying complaint filed by Mayor Stempel against the
29 complainant, Libby Wentz, dated 4/3/17; and what appears to be a Letter-to-the-Editor
30 authored by Libby Wentz and published in the Clackamas Review on 3/29/17. (#PR2)

31 //

1 During the investigation, Ms. Stempel provided additional information on this matter by
2 phone on 4/4/18 at the Commission investigator's request. The primary question was
3 whether the City Attorney specifically advised Ms. Stempel that she did not have a conflict
4 of interest in the 4/17/17 Budget Committee meeting. In response, Ms. Stempel stated
5 that the City Attorney had not specifically advised her on the matter when it came before
6 the Budget Committee, but that she did not believe a conflict existed, because the City
7 Attorney was present in the meeting and did not say anything. She added that she and
8 other City officials generally rely on the City Attorney to advise them on conflicts and
9 therefore expect the City Attorney to tell them they have one. (#INV1)

10
11 Ms. Stempel also added that the City recently received training from the Commission on
12 Oregon Government Ethics laws, and that she and other City officials now have a better
13 understanding of how conflicts of interest and other relevant laws apply. Ms. Stempel
14 stated that the City intends to institute an annual Government Ethics training program
15 with the Commission so that City officials can stay apprised and refreshed. (#INV1)

16
17 In both the phone call during investigation and her letter in response to the complaint, Ms.
18 Stempel stated her belief that the complaints filed against her with the Commission have
19 been politically motivated, because of the complainant's relationship with the candidate
20 who lost against her in the run for mayor in 2016. (#PR2; #INV1)

21 22 4/17/17 BUDGET COMMITTEE MEETING RECORDS

23 The minutes and an audio recording of the meeting were available.

24
25 Records indicate that Mayor Stempel was in attendance at this meeting as Budget
26 Committee Chair. (#PR1; #INV2)

27
28 Records indicate that during the meeting, City Fire Chief, Tom O'Connor, presented an
29 overview of the Fire Department budget. In his presentation, the Fire Chief proposed that
30 two new full-time Fire Captain positions be added to the Fire Department's budget. He
31 also proposed reprioritizing the Fire Department budget, by reducing its capital

1 expenditures in order to offset the cost of the new positions, stating that at the time of the
2 meeting the budget directed 20% to capital expenditures and 50% to personnel, whereas
3 the new proposed budget would direct 60% to personnel and only 9% to capital
4 expenditures. The Fire Chief specified that approval of the new proposed budget would
5 result in a 2.5% increase in overall Fire Department expenditures for the 2017 – 2018
6 budget year and a 5.19% increase over the current year for the 2018 – 2019 budget year.
7 (#PR1; #INV2)

8
9 Meeting records indicate that in two separate votes, the Budget Committee voted to
10 approve both the line item budget and the overall budget to City Council for adoption.
11 Councilor Wohlwend motioned, and Councilor McMahon seconded, both votes. Although
12 the meeting records show that both motions were approved unanimously, they do not
13 reflect whether Mayor Stempel voted, because only a voice vote (as opposed to a roll call
14 vote) was taken (i.e., all of members said “aye” together). (#PR1; #INV2)

15
16 None of the records available indicate that Mayor Stempel announced a conflict of interest
17 at any time during the meeting. (#PR1; #INV2)

18
19 6/12/18 CITY COUNCIL MEETING RECORDS

20 The minutes and an audio recording of the meeting were available.

21
22 Records indicate that Tammy Stempel was in attendance at this City Council meeting as
23 Mayor and a member of the governing body. (#PR1; #INV3)

24
25 Fire Chief O'Connor and Fire Chief Mike Funk presented a proposal that the City Council
26 vote to refer a ballot measure renewing the Fire Services Operating Levy (Levy) for the
27 next five-year period to the November 2018 ballot to be approved by voters. During the
28 presentation, Fire Chief Funk stated that the Levy has been approved four times in the
29 past with over 80% approval, and that part of these funds would be directed at adding a
30 third full-time position to Fire Department staff (in addition to the two positions already
31 approved in the budget by City Council in April 2017). Fire Chief O'Connor stated besides

1 adding the third position, renewing the Levy would permit the Fire Department to continue
2 operating at its current staff level, but that without the Levy the City would be required to
3 fund Fire services out of the City's general fund which could have an impact on Fire
4 Department personnel as a whole. (#PR1; #INV3)

5
6 Meeting records indicate that Councilor McMahon made the motion to place the Levy on
7 the November 2018 ballot, and Councilor Mersereau seconded. Although the meeting
8 records show that the motion was approved unanimously, they do not show whether
9 Mayor Stempel voted, because only a voice vote (as opposed to a roll call vote) was taken
10 (i.e., all of members said "aye" together). (#PR1; #INV3). However, Ms. Stempel says that
11 she voted affirmatively to place the levy on the ballot.

12
13 None of the records available indicate that Mayor Stempel announced a conflict of interest
14 at any time during the meeting. (#PR1; #INV3)

15
16 INFO RE KIRK STEMPEL'S EMPLOYMENT WITH CITY FIRE DEPARTMENT

17 Kirk Stempel's resume, which was submitted with Ms. Stempel's response, shows that
18 Mr. Stempel became employed with the Gladstone Fire Department as a Fire Fighter in
19 2005 and was promoted to the title of Lieutenant in 2011. (#PR2)

20
21 In Ms. Stempel's response letter, she stated that during the time period relevant to the
22 allegations made in the complaint, her husband was not serving in a "temporary, paid Fire
23 Captain position." Rather, "[h]e was [a] Lieutenant, back filling a position created due to
24 the injury of one of the * * * full-time chief officers." (#PR2)

25
26 The memorandum from City Fire Chief, Tom O'Connor, appears to support Ms. Stempel's
27 assertion. The memo shows that the position her husband was filling at the time was a
28 "Temporary Day Officer Position," which was created to temporarily fill in for one of the
29 Fire Department chiefs. The memo also indicates that the temporary position he was
30 filling would sunset once two new Fire Captain positions were created and filled. (#PR2)

31 //

1 The staff report written by Tom O'Connor to City Council dated 8/8/17 indicates that in
2 January 2017, on approval of the City Administrator, the City Fire Department applied for
3 a FEMA SAFER grant to hire three new positions in the Fire Department, and that in July
4 2017, FEMA responded by awarding a three-year grant. The Fire Chief also documents
5 in his report that "[b]ased on * * * past experience * * * [he] considered it unlikely [that
6 they] would be awarded the grant." As a result, prior to the grant being awarded,
7 Gladstone Fire proposed that two full-time positions be added based solely on the City's
8 2017 – 2019 budget, and that the two positions were approved by the Budget Committee
9 in April 2017 and adopted by the City Council in June 2017. (#PR2)

10
11 The City's website shows that Kirk Stempel was hired full-time in one of the new Fire
12 Captain positions that were added in 2017. (#PR3)

13
14 **CONCLUSIONS:** Tammy Stempel was the Mayor and a member of the Budget
15 Committee in the City of Gladstone during the period relevant to this case. As such,
16 Tammy Stempel was a "public official" (per ORS 244.020(15)) and therefore subject to
17 ORS Chapter 244 Oregon Government Ethics law.

18
19 Kirk Stempel, as Tammy Stempel's spouse, is considered her "relative" for the purpose
20 of Oregon Government Ethics law (per ORS 244.020(16)).

21
22 A public official is met with either an actual or potential conflict of interest when
23 participating in an official capacity, in any action, decision, or recommendation, if the
24 effect would or could be to the private financial benefit or detriment of herself, a relative,
25 or any business with which she or a relative is associated (ORS 244.020(1) and (13)).

26
27 When public official who is acting as a member of governing body is met with any conflict
28 of interest, the public official must publicly announce the conflict each time it arises (i.e.,
29 once in a meeting). If the conflict is actual, the public official must also refrain from any
30 discussion, debate or vote on the issue giving rise to the conflict. If the conflict is potential,
31 she may participate in official actions following public disclosure (ORS 244.120(2)).

1 4/17/17 BUDGET COMMITTEE MEETING

2 Official meeting records show that during this meeting, the Budget Committee heard a
3 proposal by Fire Chief O'Connor to add two new full-time Fire Captain positions to the
4 Fire Department's budget, which were to be effected by a reorganization of and increase
5 in the Fire Department's budget. The meeting records show that after hearing and
6 deliberating on the proposal, the Budget Committee then unanimously approved the Fire
7 Department budget proposal for adoption by City Council. The meeting records also show
8 that Mayor Stempel attended the meeting as Committee Chair and that she did not recuse
9 herself or announce any conflict of interest.

10
11 Available information indicates that at the time of this meeting, Mayor Stempel's husband
12 was serving in a "Temporary Day Officer Position," which had been created to fill in for
13 one of the Fire Department chiefs who had been injured. The information also shows that
14 the "Temporary Day Officer Position" was to be eliminated once the two new Fire Captain
15 positions were created and filled. Review of the City's website confirmed that Mayor
16 Stempel's husband, Kirk Stempel, has since been hired full-time in one of these new Fire
17 Captain positions.

18
19 The fact that Mayor Stempel's husband was already employed by the City as a Lieutenant
20 Fire Fighter, combined with the fact that he was filling a temporary position to perform the
21 duties of a chief officer (an even higher ranking position than captain) at the time of the
22 meeting, and that the temporary position would go away once the new fire captain
23 positions were created appears to create a reasonable probability that approval of the
24 Fire Department's proposed budget, in this case, could result in Mr. Stempel being directly
25 financially affected. Either he would be returned to his earlier lower-paying job or he might
26 be promoted into one of the new Fire Captain positions (in fact, he was promoted to
27 Captain). As a result, it appears that Mayor Stempel was met with a potential conflict of
28 interest, which she should have disclosed pursuant to the requirements in ORS
29 244.120(2).

30 //

31 //

1 In her letter in response to the complaint and in her telephone conversation with the
2 Commission investigator, Mayor Stempel stated that she did not believe she had a conflict
3 of interest, as a result of the City Attorney not informing her that one existed. It is the
4 responsibility of each public official to determine whether or not they have a conflict of
5 interest. Reliance on the City Attorney's failure to tell her that she had a conflict is not a
6 statutory defense against failure to properly dispose of a conflict of interest.

7
8 Mayor Stempel also stated in her response to the complaint that her personal policy as
9 Budget Committee Chair is to refrain from voting except in certain specific circumstances
10 and that, although she did not recuse herself, she did not vote. The City's official records
11 pertaining to this meeting do not contain or allude to that policy, and they contain no
12 evidence whether Ms. Stempel refrained from voting. In any event, Ms. Stempel
13 acknowledges that she did not announce a conflict and the records reflect that Ms.
14 Stempel failed to announce a conflict. ORS 244.130 requires that any conflict of interest
15 must be recorded in the City's official records.

16
17 As a result, there is a preponderance of the evidence to find that Tammy Stempel violated
18 ORS 244.120(2) when she failed to announce a potential conflict of interest in the 4/17/17
19 City Budget Committee meeting.

20
21 6/12/18 CITY COUNCIL MEETING

22 The complaint alleges that Mayor Stempel was present at the meeting and voted to put
23 the Fire and Medical Services Operating Levy (Levy) up for renewal on the November
24 2018 ballot, and that the matter created a conflict of interest, because without the Levy,
25 the Fire Captain positions (one of which is held by Ms. Stempel's husband) might need
26 to be eliminated.

27
28 Official meeting records show that during this meeting, City Council heard a proposal by
29 Fire Chiefs O'Connor and Funk to refer a measure to the November 2018 ballot, which
30 would renew the City's Fire and Medical Services Operating Levy (Levy) for the next five-
31 year period. In the meeting, Fire Chief O'Connor stated that the Fire Department's

1 preexisting positions are supported by the City's general fund, but that not having the
2 Levy would likely affect Fire Department staff as a whole.

3
4 It appears that non-renewal of the Levy *could* result in Mr. Stempel's position being
5 eliminated, as suggested in the complaint. Alternatively, Fire Department leadership *could*
6 also have made other changes should the levy not be referred, such as cutting employee
7 hours, pay, training or benefits. The fact that any of these changes *could* financially affect
8 Mr. Stempel as an employee of the Fire Department appears to have created a potential
9 conflict of interest for Ms. Stempel in the 6/12/18 City Council meeting.

10
11 In her letter in response to the complaint, Ms. Stempel confirmed that she was present at
12 the meeting and voted to put the Levy on the ballot. Nothing in the City records or
13 information provided by Ms. Stempel indicate that she announced any conflict of interest.

14
15 Information is sufficient to create a preponderance of evidence to find that Tammy
16 Stempel was met with a potential conflict of interest in the 6/12/18 City Council meeting,
17 which she failed to announce in violation of ORS 244.120(2).

18
19 **RECOMMENDATIONS:** The Commission should make a preliminary finding that Tammy
20 Stempel committed two (2) violations of ORS 244.120(2) [Motion 10].

21 //
22 //
23 //
24 //
25 //
26 //
27 //
28 //
29 //
30 //
1 //

1 **ASSOCIATED DOCUMENTS:**

2 #PR1 Complaint and attachments filed electronically by Libby Wentz, received 9/3/18.

3 #PR2 Response letter and attachments from complainant, Tamara Stempel, received
4 9/13/18.

5 #PR3 Screen shot of City of Gladstone Fire Department website's Staff webpage at
6 <https://www.ci.gladstone.or.us/fire/page/career-staff>, viewed 9/27/18.


7 #INV1 Commission investigator's memo summarizing telephone contact with Tammy
8 Stempel on 4/4/19.

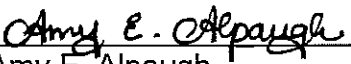
9 #INV2 Minutes and audio recording of the 4/17/17 Budget Committee meeting obtained
10 from the City of Gladstone website.

11 #INV3 Minutes and audio recording of the 6/12/18 City Council meeting obtained from
12 City of Gladstone website.

13

PREPARED BY  4/10/19
Hayley Weedn Date
Investigator

APPROVED BY  4/10/19
Ronald A. Bersin Date
Executive Director

REVIEWED BY  4/11/19
Amy E. Alpaugh Date
Assistant Attorney General

OREGON GOVERNMENT ETHICS COMMISSION

INVESTIGATION

CASE NO: 18-206EDG

DATE: April 10, 2019

RESPONDENT: GOMEZ, Louis, Administrator, City of Oakridge

COMPLAINANT: BALL, Stephan

RECOMMENDED ACTION: Dismiss Complaint

1 **SYNOPSIS:** Louis Gomez was the City Administrator for the City of Oakridge when the
2 events relevant to this investigation occurred. As part of his official duties, he contracted
3 with a company, Michael V. Hansen Consulting, LLC, to provide the personal services of
4 Michael Hansen as fire chief for the City, beginning in 2016. Mr. Gomez, who has a
5 background in law enforcement, and Mr. Hansen subsequently became friends.

6
7 Mr. Gomez, anticipating retirement, spoke with Mr. Hansen during a private meal, about
8 his desire to obtain a private investigator (P.I.) license and start a business to do
9 investigations in retirement. After retiring from a career elsewhere as fire chief, Mr.
10 Hansen had formed his consulting business to continue working in the field of emergency
11 services. Mr. Gomez and Mr. Hansen discussed the opportunities in the emergency
12 professional field to conduct pre-employment background checks and other consulting
13 work. In 2017, Mr. Gomez established his business (L & L Consulting), obtained his P.I.
14 license, and sought and received permission from his appointing authority (the City
15 Council) to engage in income-producing work on his own time through his newly formed
16 business, without specifying any potential client(s).

17 ///

1 In early 2018, on behalf of his business, Mr. Gomez conducted three pre-employment
2 investigations for a South Carolina public entity through MVHC LLC. L & L Consulting
3 billed MVHC LLC and received just over \$300 for this work.

4
5 After a City Councilor raised a concern about this relationship, Mr. Gomez checked with
6 the City's legal counsel about a possible conflict of interest. He then chose to publicly
7 disclose verbally and in writing at a May 2018 City Council meeting that he had ceased
8 his business to business relationship with MVHC LLC.

9
10 Complaints were filed in this case alleging that Mr. Gomez, by virtue of working for MVHC
11 LLC while also overseeing the contract between that company and the City, had violated
12 Oregon Government Ethics law. Information obtained during investigation appears to be
13 insufficient to establish that Mr. Gomez violated the conflict of interest or prohibited use
14 of office provisions of ORS Chapter 244.

15
16 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the
17 issues addressed herein:

18
19 **244.020 Definitions.** As used in this chapter, unless the context requires otherwise:

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

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

31 (3) 'Business with which the person is associated' means:

1 (a) Any private business or closely held corporation of which the person or the
2 person's relative is a director, officer, owner or employee, or agent or any private
3 business or closely held corporation in which the person or the person's relative
4 owns or has owned stock, another form of equity interest, stock options or debt
5 instruments worth \$1,000 or more at any point in the preceding calendar year;

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

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

11 (d) For public officials required to file a statement of economic interest under ORS
12 244.050, any business listed as a source of income as required under ORS
13 244.060 (3). *****

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

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

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

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

29 (14) 'Public office' has the meaning given that term in ORS 260.005.

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

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

4 (17) 'Statement of economic interest' means a statement as described by ORS 244.060
5 or 244.070.

6

7 **244.040 Prohibited use of official position or office; exceptions; other prohibited**

8 **actions.** (1) Except as provided in subsection (2) of this section, a public official may not
9 use or attempt to use official position or office to obtain financial gain or avoidance of
10 financial detriment for the public official, a relative or member of the household of the
11 public official, or any business with which the public official or a relative or member of the
12 household of the public official is associated, if the financial gain or avoidance of financial
13 detriment would not otherwise be available but for the public official's holding of the official
14 position or office. ***

15 (3) A public official may not solicit or receive, either directly or indirectly, and a person
16 may not offer or give to any public official any pledge or promise of future employment,
17 based on any understanding that the vote, official action or judgment of the public official
18 would be influenced by the pledge or promise.

19 (4) A public official may not attempt to further or further the personal gain of the public
20 official through the use of confidential information gained in the course of or by reason of
21 holding position as a public official or activities of the public official.

22 (5) A person who has ceased to be a public official may not attempt to further or further
23 the personal gain of any person through the use of confidential information gained in the
24 course of or by reason of holding position as a public official or the activities of the person
25 as a public official.

26 (6) A person may not attempt to represent or represent a client for a fee before the
27 governing body of a public body of which the person is a member. This subsection does
28 not apply to the person's employer, business partner or other associate.

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

31

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

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

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

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

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

19
20 The following Oregon Administrative Rules are applicable to the issues addressed herein:

21
22 **199-005-0035 Guidelines for compliance with ORS 244.020(6), 244.025, 244.040,**
23 **244.042 and 244.047**

24 (1) The purpose of this rule is to define certain terms and to clarify substantive provisions
25 of ORS 244.020(6), 244.025, 244.040, 244.042 and 244.047.

26 (2) The term "official duties" means that the public official's actions are directly related to
27 serving the state of Oregon or any of its political subdivisions or any other public body as
28 a public official.

29 (3) An "official compensation package" means the wages and other benefits provided to
30 the public official. To be part of the public official's "official compensation package", the
31 wages and benefits must have been specifically approved by the public body in a formal

1 manner, such as through a union contract, an employment contract, or other adopted
2 personnel policies that apply generally to employees or other public officials. "Official
3 compensation package" also includes the direct payment of a public official's expenses
4 by the public body, in accordance with the public body's policies.

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

11 (5) "Confidential information" means any record that is exempt from public disclosure or
12 inspection under state law, or any information obtained in the course of or by reason of
13 holding position as a public official that is not publicly disclosed. The record or information
14 is no longer confidential if it has been voluntarily disclosed by the public body, or been
15 disclosed through a public records disclosure order or court order.

16 (6) As used in ORS 244.047, a public contract is "authorized by" a public official if the
17 public official performed a significant role in the selection of a contractor or the execution
18 of the contract. A significant role can include recommending approval or signing of the
19 contract, including serving on a selection committee or team, or having the final
20 authorizing authority for the contract.

21 (7) As defined in ORS 244.020(14), a public official includes anyone serving the State of
22 Oregon or any of its political subdivisions or any other public body in any of the listed
23 capacities, including as an "agent." An "agent" means any individual performing
24 governmental functions. Governmental functions are services provided on behalf of the
25 government as distinguished from services provided to the government. This may include
26 private contractors and volunteers, depending on the circumstances. This term shall be
27 interpreted to be consistent with Attorney General Opinion No. 8214 (1990).

28
29 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated
30 a preliminary review based on information in a signed complaint from Stephan Ball on
31 9/20/18. A duplicate complaint concerning the same circumstances was received from

1 Dawn Kinyon on 10/9/18. (#PR1 and #PR2) The complaints alleged that Louis Gomez,
2 City Administrator for the City of Oakridge (City) may have violated the use of office and
3 conflict of interest provisions of Oregon Government Ethics law. The Commission found
4 cause to investigate on November 2, 2018 after considering the information developed in
5 the preliminary review. The focus of the investigation was to determine if there is sufficient
6 evidence to indicate that Louis Gomez 1) used or attempted to use his official position as
7 City administrator to obtain and fulfill a paid contract for his private business and 2) failed
8 to comply with the conflict of interest provisions of ORS Chapter 244. Respondent and
9 complainants have been notified of the Commission actions in this matter and they have
10 been invited to provide any information which would assist the Commission in conducting
11 this investigation.

12
13 Respondent, in his official capacity as Oakridge City Administrator, entered into contracts
14 and administered them on behalf of the City for Michael V. Hansen's services as fire chief.
15 Respondent entered into a contract on 8/27/15 with the Special Districts Association of
16 Oregon (SDAO) for fire chief services to the City for a 6 month period. Michael V. Hansen
17 was the person assigned to provide fire chief services under that SDAO contract. (#PR2)

18
19 Following the expiration of the 6 month contract with SDAO, Respondent authorized and
20 administered subsequent personal service contracts between the City and Michael V.
21 Hansen Consulting, LLC (MVHC LLC) for fire chief services. Michael Hansen's services
22 as fire chief were obtained through contracts between his business and the City, as
23 described below:

- 24 • From 3/1/16 to 2/28/17 at \$6,870 per month; signed by Respondent on 3/1/16.
- 25 • From 3/1/17 to 6/30/17 at \$6,870 per month and from 7/1/17 to 6/30/18 at
26 \$7,213.50 per month; signed by Respondent on 2/17/17.
- 27 • From 7/1/18 to 6/30/19 at \$7,213.50 per month; signed by Respondent on 4/4/18
28 and amended on 5/11/18. (#PR2)

29
30 MVHC LLC was first registered with the Oregon Secretary of State's Business Registry
31 in 2016, and the registrations have been renewed annually. Its most recent registration

1 on 1/27/19 describes the company's business activity as: providing organizational
2 development, budget development, interim support for fire departments, pre-hire
3 employment screening and mediation services for fire departments. On all the business
4 registrations for MVHC LLC, Michael Hansen is the sole member, manager, and
5 registered agent of the LLC. (#INV4)

6
7 Information indicates that Respondent established a private business, L & L Consulting
8 and Investigations (L & L), and registered the assumed business name with the Oregon
9 Secretary of State on 7/17/17. (#PR5) Respondent informed the City Council (his
10 appointing authority) at the Council's 9/21/17 meeting that he would like to perform
11 background investigations on his own time. This request was reflected in the meeting
12 minutes:

13
14 "Louis [Gomez] had some non-profits and some people have come to him and
15 asked him if he could do some background investigations for them. He is asking
16 the council if it is ok if he does this on his off time, the weekends and evenings.
17 Policy states he has to ask his bosses if it's ok to do this. Mayor Coey said it is his
18 off time, why would they care? Louis said policy states he has to ask them. There
19 was a consensus from the council that they are ok with Louis doing this." (#PR6)

20
21 Respondent then obtained a private investigator's license from the Oregon Department
22 of Public Safety Standards and Training on 12/1/17. (#INV1)

23
24 Respondent performed background investigation work on three occasions in the early
25 months of 2018 for the fire chief's company, and L & L sent the following invoices to
26 MVHC LLC for payments totalling \$313.85:

- 27
- Invoice #01 dated 1/16/18 for \$153.90 consulting fees and expenses
 - 28 • Invoice #002 dated 3/26/18 for \$100.00 for consulting fees
 - 29 • Invoice #003 dated 5/9/18 for \$59.95 for consulting and expenses (#PR7)

30
31 During the preliminary review, Respondent submitted letters to the Commission and other

1 material. The letters will be supplied to the Commissioners in their entirety with this report.
2 In the excerpt below, Respondent explains his first awareness of a possible issue:

3
4 The catalyst for contacting the City Attorney was after having a discussion with
5 Councilor Gobelman. He asked me if I had done any work for MVHC LLC and I
6 told him yes, some educational background checks for a minimal amount of
7 money. He asked if that could be a potential or actual conflict due to signing his
8 personal services contract on behalf of the city. A potential or actual conflict did
9 not even cross my mind due to this being the third contract I had signed. I told Mr.
10 Gobelman that I would check with the City Attorney. I was advised by the City
11 Attorney that there could be a potential or actual conflict. *** [A]t the May 17, 2018
12 City of Oakridge Council Meeting in open session, I advised the Oakridge City
13 Council my appointing body, that I was advised of a potential or actual conflict of
14 interest by working with MVHC LLC. I read a statement to the Council that I would
15 no longer work with MVHC LLC. I asked if they would accept what I presented
16 and would it resolve any conflict. By consensus and through head nods they
17 accepted my statement to not work with MVHC LLC. ***Once the error was brought
18 to my attention I sought an immediate remedy. (#PR3)

19
20 L and L Consulting and Investigations was not formed for the purpose of working
21 solely for MVHC LLC ***. The company was formed for future endeavors as
22 retirement approaches, to include working with non-profits, public defenders
23 offices, public entities such as cities and counties as well as individuals. I want to
24 reiterate that I did not form the company to solely work for MVHC LLC as alleged.
25 My association with MVHC was used as a vehicle to gain a few jobs on my
26 company's portfolio, it wasn't about making money. (#PR4)

27
28 Respondent included a copy of the 5/17/18 City Council meeting minutes which confirm
29 his announcement that he was no longer working for MVHC LLC and provided a copy of
30 his written notice that was made part of the official record after Respondent announced it
31 in the public meeting. (#PR3)

1 Respondent also addressed the allegations that he performed work for his private
2 business using the City's resources and equipment:

3

4 The allegation that I used my city office and phone for anything to do with MVHC
5 LLC is totally false. I was always on my own time. *** In regards to using the Law
6 Enforcement Data System (LEDS) I have never used LEDS for any unauthorized
7 uses when I was a police officer and I would never use LEDS for personal use.
8 (#PR4)

9

10 Respondent supplied a letter from Oakridge Police Sergeant McPherson to attest to the
11 fact that he has not used the City's LEDS system. Sgt. McPherson vouches for the fact
12 that Mr. Gomez has no access to the sole police department's LEDS terminal which is
13 housed in Sgt. McPherson's office, and that if Respondent had used the LEDS terminal,
14 Sgt. McPherson would have been notified of that use. (#PR4)

15

16 During investigation, the City responded to a subpoena request for documents and
17 supplied all emails between Respondent and Fire Chief Hansen during the period
18 between July 2017 when the Respondent established his private business and
19 September 2018 when the complaint in this case was filed. Most of the emails contained
20 general information that Respondent sent to all City officials, including the Fire Chief.
21 Examples of email from Mr. Gomez to Michael Hansen include one granting authorization
22 for Hansen to post a recruitment for an open position in the fire department and an email
23 Mr. Gomez forwarded to the fire chief from a City Councilor concerning the City's
24 emergency preparedness plan and protocol for responses to the national forest trails in
25 the area. The emails were routine professional emails discussing the business of the City
26 or the provision of fire services, and included no evidence of Mr. Gomez using the City's
27 email to conduct personal income producing work on behalf of his private company, other
28 businesses, or himself. (#INV2)

29

30 The City provided copies of monthly invoices from MVHC LLC for fire chief services during
31 the relevant period and copies of City checks in payment of those invoices. Most of the

1 invoices were initialed by Louis Gomez with "OK" on the top of the invoice. It appears
2 that during the period from December 2017 to May 2018, when Mr. Gomez's business
3 was periodically performing paid services for MVHC LLC, he approved payment of 6
4 monthly invoices from MVHC LLC on behalf of the City. None of the City checks payable
5 to MVHC LLC during this period were signed by Mr. Gomez. During this period,
6 Respondent also entered into a contract on behalf of the City with MVHC LLC on 4/4/18
7 and amended it on 5/11/18. (#INV2 and #INV6)

8
9 Commission staff contacted Michael Hansen during the investigation and the interview is
10 summarized below: (#INV5)

- 11
- 12 • Mr. Hansen formed MVHC LLC after he retired from his position as fire chief in
13 another jurisdiction. MVHC LLC offers consulting services to local fire districts,
14 including personal services contracts. He mentioned Emergency Services
15 Consulting International (ESCI) which is a consulting firm of the International
16 Association of Fire Chiefs. The ESCI provides services including executive
17 searches, trainings, recruitment and support services, succession planning, and
18 on-site investigations. MVHC LLC has worked with ESCI in the past to provide
19 services, including pre-employment background checks of emergency service
20 personnel. Mr. Hansen stated his company's clients are public entities, not private
21 businesses. (#INV5a)
 - 22 • Mr. Hansen said that he and the Respondent were talking together over a private
23 meal about how he established his business after retiring from his career and
24 Respondent told him that he was going to retire soon and he was thinking about
25 getting his license as a private investigator and establishing his own private
26 business. Mr. Hansen and Respondent discussed the need for investigators in the
27 emergency services field for background checks and other consulting services.
 - 28 • When Respondent started his business and obtained his P.I. license, Hansen's
29 company hired Respondent's company to do a few pre-employment background
30 checks for public entities in South Carolina. Mr. Hansen was clear that
31 Respondent was not an employee or agent of his business, this was a business to

1 business relationship between MVHC LLC and L & L Consulting for the work.

- 2 • Mr. Hansen explained that MVHC LLC did pre-employment checks for other
3 entities beginning in 2017 prior to the brief period when L & L Consulting performed
4 a few such checks in 2018. He confirmed that his company continues to perform
5 background checks using an employee.
- 6 • Mr. Hansen confirmed that neither Respondent nor any of his relatives has ever
7 held, or currently holds, any investment or debt instrument in MVHC LLC.

8
9 During investigation, Mr. Gomez was contacted by Commission staff, and the information
10 is summarized below. (#INV3)

- 11 • Mr. Gomez informed Commission staff that his last day as City Administrator for
12 the City of Oakridge was 12/31/18.
- 13 • Mr. Gomez was asked how the opportunity to work for MVHC LLC came about.
14 He explained that he and Mr. Hansen were talking as friends and Mr. Gomez said
15 that he hoped to do background checks and other similar work in retirement, as a
16 private investigator (Mr. Gomez has a law enforcement background).
- 17 • After Mr. Gomez formed his business and got his P.I. license, Mr. Hansen hired
18 his business for some work.
- 19 • When asked if MVHC LLC was in the business of conducting background checks
20 prior to that time, Mr. Gomez said he believes so, but he is not sure to what extent.
- 21 • Mr. Gomez said the work he did for MVHC LLC was pre-employment verification
22 of the educational background and references provided by public sector applicants
23 for emergency services work.
- 24 • Mr. Gomez stated that MVHC LLC was invoiced by his business and they paid his
25 business, L & L, not him. He stated that when conducting the background checks
26 he identified himself as an independent contractor for MVHC LLC.
- 27 • Mr. Gomez confirmed that neither he nor a relative or household member of his
28 holds any position in, ownership or equity interest, or debt interest, in MVHC LLC.
- 29 • Mr. Gomez confirmed that there was no written contract between L & L Consulting
30 and MVHC LLC, it was a verbal agreement for a small hourly rate plus expenses.

31 ///

1 Timeline of Events:

- 2 3/1/16 Respondent authorizes contract with MVHC LLC for fire services for City.
3 2/17/17 Respondent authorizes second contract with MVHC LLC.
4 7/17/17 Respondent registers L & L Consulting business as an "assumed business
5 name" with state of Oregon.
6 9/21/17 Respondent notifies City Councilors verbally that he has a private consulting
7 business and would like to operate it on his personal time, without
8 identifying any specific client(s).
9 12/1/17 Respondent obtains Private Investigator license from the State of Oregon.
10 1/16/18 L & L Consulting invoices MVHC LLC for services rendered.
11 3/26/18 L & L Consulting invoices MVHC LLC for services rendered.
12 4/4/18 Respondent authorizes third contract with MVHC LLC, amended 5/11/18.
13 5/9/18 L & L Consulting invoices MVHC LLC for services rendered.
14 5/17/18 Respondent notifies City Councilors at a public meeting and in writing that
15 he did some minimal work for MVHC LLC but has ceased doing that work
16 after consulting with the City Attorney as to possible conflict issue.
17 9/20/18 Complaint filed in this case.
18 10/9/18 Duplicate complaint filed in this case.
19 12/31/18 Respondent's final day as City Administrator for Oakridge.

20
21 **CONCLUSIONS:** Louis Gomez was the City Administrator for the City of Oakridge during
22 the time relevant to this preliminary review. He is a public official as defined in ORS
23 244.020(15) and therefore subject to the laws in ORS Chapter 244.

24
25 In relevant part, ORS 244.040(1) prohibits public officials from using or attempting to use
26 their official position to obtain a personal financial benefit for themselves or a business
27 with which they are associated, that would not otherwise be available but for holding their
28 position. This provision applies regardless of whether a public official announces or
29 discloses a conflict of interest. [ORS 244.040(7)]

30
31 A "business with which one is associated" includes any private business or closely held

1 corporation of which the person is a director, officer, owner, employee, or agent. In
2 addition, for a public official required to file a verified statement of economic interest, such
3 as Mr. Gomez, any source of income that comprises 10% or more of his annual household
4 income is also "a business with which one is associated." [ORS 244.020(3)]

5
6 ORS 244.020(1) defines an actual conflict of interest and ORS 244.020(13) defines a
7 potential conflict of interest. In relevant part, a public official is met with either an actual
8 or potential conflict of interest when participating in their official capacity, in any action,
9 decision, or recommendation, if the effect would be (actual) or could be (potential) to the
10 private pecuniary benefit or detriment of themselves or a business with which they are
11 associated. ORS 244.120(1)(c) requires that a public official such as a City Administrator
12 must make written notification to their appointing authority of the nature of their conflict of
13 interest and ask the appointing authority to dispose of the matter giving rise to the conflict.
14 The appointing authority must designate an alternate to dispose of the matter or direct
15 the public official as to how to dispose of the matter.

16
17 The Commission's Guide for Public Officials, which was adopted as a Commission
18 Advisory Opinion in 2010, states the following:

19
20 In general, public officials may obtain employment with a private employer or
21 engage in private income producing activity of their own. They must not use the
22 position held as a public official to create the opportunity for additional personal
23 income. The public official must also ensure that there is a clear distinction
24 between the use of personal resources and time for personal income producing
25 activity and the use of the public body's time and resources. The Commission has
26 created guidelines for public officials to follow in order to avoid violating Oregon
27 Government Ethics law when engaged in private employment or a personally
28 owned business. [p. 16]

29
30 **GUIDELINES FOR OUTSIDE EMPLOYMENT OF PUBLIC OFFICIALS**

31 1. Public officials are not to engage in private business interests or other employment

1 activities on their governmental agency's time.

2 2. A governmental agency's supplies, facilities, equipment, employees, records or
3 any other public resources are not to be used to engage in private business
4 interests.

5 3. The position as a public official is not to be used to take official action that could
6 have a financial impact on a private business with which you, a relative or member
7 of your household are associated.

8 4. Confidential information gained as a public official is not to be used to obtain a
9 financial benefit for the public official, a relative or member of the public official's
10 household or a business with which any are associated.

11 5. When participating in an official capacity and met with a potential or actual conflict
12 of interest related to a business associated with the public official, relative or
13 household member, the public official must disclose the nature of the conflict of
14 interest using one of the following methods:

- 15 o Employees of governmental agencies must give written notice to their
16 appointing authority. [Guide to Public Officials, 2010, p. 16]

17
18 BUSINESS ASSOCIATION

19 Was MVHC LLC a "business with which Mr. Gomez was associated" for purposes of the
20 application of the conflict of interest and use of office provisions of Oregon Government
21 Ethics law?

22
23 A "business with which one is associated" includes any private business or closely held
24 corporation of which the person is a director, officer, owner, employee, or agent, and any
25 private business in which the public official or their relative owns or has owned stock or
26 another form of equity interest or debt instruments worth \$1000 or more in the preceding
27 calendar year. In addition, for a public official required to file a verified statement of
28 economic interest, such as Mr. Gomez, any source of income that comprises 10% or
29 more of his annual household income is also "a business with which one is associated."
30 [ORS 244.020(3)]

31 ///

1 MVHC LLC is a private, closely held corporation, but Mr. Gomez is not a director, officer,
2 owner, or employee of MVHC LLC. Also, Mr. Gomez, was not required to list MVHC LLC
3 on his SEI, as it was not a source of 10% or more of his annual household income, so it
4 is not "a business with which he is associated" on that ground, either. Finally, Respondent
5 nor any of his relatives had an equity interest in MVHC LLC. The only question that
6 remains is whether Respondent was an "agent" of MVHC LLC.

7
8 "Agent" is used in ORS 244.020(3) when defining "business with which the person is
9 associated" and in ORS 244.020(15) when defining "public official". "Agent" is not itself
10 defined in ORS Chapter 244 and the administrative rule adopted by the Commission
11 concerning "agent" is only applicable to the determination of whether a person is a "public
12 official" subject to Oregon Government Ethics law.

13
14 OAR 199-005-0035 is consistent with the 1990 Oregon Attorney General Opinion 8214,
15 which concludes that:

16 "[A]n individual who performs services under contract for the government is a
17 'public official' only if, as a result of the contract, the person becomes part of
18 government. That is, the person must not merely perform services for the
19 government, but perform governmental functions or responsibilities on behalf of
20 the government. Additionally, a person who is an officer, employee or agent of a
21 corporation or other entity that contracts with the government to perform services
22 is a 'public official' if that contracting entity is itself governmental. The key factor
23 in deciding whether an entity is government is whether it is controlled by the
24 government. Other relevant factors are the nature of the services performed and
25 the entity's relationship with the government."

26
27 Unfortunately, the OAR and the AG's Opinion do not reach the question of defining what
28 it means to be an "agent" of a private business for the purpose of determining whether a
29 private business is one with which the public official is associated for application of the
30 conflict of interest and use of office provisions.

31 ///

1 An Oregon Supreme Court case discusses the meaning of "agent" in the context of tort
2 liability, as differentiated from "officer" or "employee".

3 "[T]he principal's 'control' over what the agent shall or shall not do is necessary for
4 an agency relationship, but it is not, on its own, sufficient to create that relationship.
5 Agency does not result, for example, when an individual (or entity) simply agrees
6 to provide services for another even if the other person – through contract – is able
7 to establish general standards for performance and in that way 'control' the
8 individual. That individual simply may be a contractor performing services for
9 another, and not an 'agent' at all. *** *Vaughn v. First Transit*, 346 Or. 128, 136.
10 (2009).

11
12 To be an "agent", the individual must be subject to another's control and must "act on
13 behalf of the other person." *Id.* From the information available, it appears that Mr. Gomez
14 did not have the authority to act in the place of MVHC LLC. Instead, it appears that, when
15 performing background checks on three occasions, he was a subcontractor or
16 independent contractor performing services for and billing MVHC LLC for those services,
17 through his own separate business.

18
19 It appears that the information available is insufficient to determine that during the period
20 from January 2018 to May 2018, when Respondent, through his business, was providing
21 services to MVHC LLC, it was a "business with which he was associated" as defined in
22 ORS 244.020(2) and (3).

23 24 CONFLICT OF INTEREST

25 A public official is met with a statutory conflict of interest when taking official actions that
26 would or could financially impact himself, a relative, or a business with which he or a
27 relative is associated.

28
29 In his capacity as City Administrator, Mr. Gomez authorized and administered the contract
30 with MVHC LLC for Michael Hansen's services as fire chief for the City of Oakridge.
31 During the period between 3/1/16 when he authorized the first contract with MVHC LLC

1 and 12/31/18 when he ceased employment with the City, Mr. Gomez performed official
2 duties on behalf of the City that financially impacted MVHC LLC (three contracts, one
3 contract amendment, monthly invoice approval and payments).

4
5 As described above, it does not appear that MVHC LLC was a business with which Mr.
6 Gomez was associated and thus when he took official actions that would or could have
7 financially impacted MVHC LLC, he would not have been met with a conflict of interest
8 on that basis. Additionally, there is no evidence that these or other official actions taken
9 by Mr. Gomez would or could have financially impacted Mr. Gomez, a relative of his, or
10 any other business with which he or his relative were associated, including L & L
11 Consulting.

12
13 PROHIBITED USE OF OFFICE

14 Did Mr. Gomez use or attempt to use his official position as City Administrator to create
15 or fulfill personal income-producing opportunities that would not have been available "but
16 for" holding his official position?

17
18 ORS 244.040(1) prohibits public officials from using or attempting to use their official
19 position to obtain a personal financial benefit for themselves, a relative or household
20 member, or a business with which he or she or a relative or household member are
21 associated, if the financial benefit would not otherwise be available but for holding their
22 official position. This provision applies regardless of whether a public official announces
23 or discloses a conflict of interest. Exceptions to ORS 244.040 allow a public official to
24 accept any part of their official compensation and reimbursement of expenses incurred
25 during the conduct of their official duties. [ORS 244.040(2) and 244.040(7)]

26
27 The Commission's Guide for Public Officials states, "[a]lthough a public official is free to
28 engage in private income-producing opportunities, they must not use the position held as
29 a public official to create the opportunity for additional personal income."

30 ///

31 ///

1 Mr. Gomez formed his private business and obtained his P.I. license in 2017 after
2 speaking with Mr. Hansen about MVHC LLC and opportunities available to conduct
3 background checks for jurisdictions who were screening emergency personnel
4 applicants. Mr. Gomez availed himself of opportunities through his personal friendship
5 with Michael Hansen to enter into an oral contract on behalf of his business with MVHC
6 LLC to provide background checking services on three occasions between January and
7 May 2018, earning his company just over \$300. Respondent ceased this private work
8 after a question was raised by a City Councilor and the City's attorney was consulted.

9
10 Mr. Gomez states in his letter to the Commission:

11
12 I want to reiterate that I did not form the company to solely work for MVHC LLC as
13 alleged. My association with MVHC was used as a vehicle to gain a few jobs on
14 my company's portfolio, it wasn't about making money.

15
16 It appears that the opportunity for the private income-producing work arose through Mr.
17 Gomez's personal relationship with Mr. Hansen and not as a result of performing his
18 official duties on behalf of the City. It appears that information is insufficient to show that
19 but for holding his position as City Administrator, Respondent's business would not have
20 been in a position to enter into a business relationship with MVHC LLC, the fire chief's
21 private business.

22
23 "The public official must also ensure that there is a clear distinction between the use of
24 personal resources and time for personal income producing activity and the use of the
25 public body's time and resources." [Commission's Guide for Public Officials]

26
27 There is no evidence that Mr. Gomez used his official position, by using the City's time,
28 resources, personnel, or information to fulfill his business obligations to MVHC LLC. In
29 fact, the information available appears to show that Respondent did *not* use the City's
30 email, time, or other resources such as the LEADS system to conduct the background
31 checks for his private business.

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It is understandable that the complainants may have perceived that Mr. Gomez was in violation of Oregon Government Ethics law when he was both overseeing the City's contract with MVHC LLC and also performing some private business for that same company. The conflict of interest and use of office statutes extend to the financial interests of the public official's "relatives and members of household" but not friends or associates. Similarly, the definition of "business" and "business with which one is associated" applies to a business in which the public official or his relative or household member has a financial interest, but not to a business owned by a friend or associate.

In conclusion, there does not appear to be a preponderance of evidence in this case to recommend a finding that Louis Gomez violated either the conflict of interest or use of office provisions of Oregon Government Ethics law.

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

ASSOCIATED DOCUMENTS:

- #PR1 Complaint and material received 9/20/18 from Stephan Ball.
- #PR2 Duplicate complaint and material received 10/9/18 from Dawn Kinyon.
- #PR3 Response and material received 10/4/18 via email from Louis Gomez.
- #PR4 Response and material received 10/16/18 via email from Louis Gomez.
- #PR5 Secretary of State's Business Registry records, downloaded 10/17/18.
- #PR6 City of Oakridge's City Council 9/21/17 meeting minutes, downloaded 10/18/18 from City's website.
- #PR7 Invoices from L and L Consulting and Investigations to MVHC LLC received 10/19/18 via email from Louis Gomez.
- #INV1 Information downloaded from website of Oregon's Department of Public Safety Standards and Training (DPSST) on 3/18/19.
- #INV2 Records provided by the City of Oakridge in response to Commission subpoena, received 3/26/19.

- 1 #INV3 Investigator's memo summarizing contact with Louis Gomez during
2 investigation.
- 3 #INV4 Records downloaded from Secretary of State's Business Registry website
4 pertaining to Michael V. Hansen Consulting LLC.
- 5 #INV5 Investigator's memo summarizing contact with Michael V. Hansen during
6 investigation.
- 7 #INV5a Information downloaded from the website maintained by Emergency
8 Services Consulting International.
- 9 #INV6 Investigator's memo summarizing contact with Susan LaDuke, City
10 Recorder, during investigation.

PREPARED BY *Diane Gould* 4/10/19
Diane Gould Date
Investigator

APPROVED BY *[Signature]* 4/10/19
Ronald A. Bersin Date
Executive Director

REVIEWED BY *Amy E. Alpaugh* 4/11/19
Amy E. Alpaugh Date
Assistant Attorney General

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October 4, 2018

Re; Louis Gomez-Case No. 18-206EDG

Government Ethics Commission
Attn: Diane Gould, Investigator
3218 Pringle Rd S, Suite 220
Salem, OR 97302-1544

Ms. Gould

I am responding to Mr. Stephan Ball's complaint. Mr. Ball did file a complaint with the City of Oakridge in regards to me contacting the City Attorney. The complaint was investigated by Susan LaDuke, the City Recorder and she consulted with the City Attorney Ross Williamson. It was determined that there was no violation on my part by contacting the City Attorney to determine if there was a potential or actual conflict of interest. A letter signed by Mayor Judy Rowland was sent to Mr. Ball. The letter was returned back to City Hall due to an incorrect address. A different address was located and the letter was sent to Mr. Ball a second time. The documents compiled by Susan LaDuke City Recorder are included.

The catalyst for contacting the City Attorney was after having a discussion with Councilor Gobelman. He asked me if I had done any work for MVHC LLC and I told him yes, some educational background checks for a minimal amount of money. He asked if that could be a potential or actual conflict due to signing his personal services contract on behalf of the city. A potential or actual conflict did not even cross my mind due to this being the third contract I had signed. I told Mr. Gobelman that I would check with the City Attorney. I was advised by the City Attorney that there could be a potential or actual conflict. Once I was advised by the City Attorney of a potential or actual conflict, at the May 17, 2018 City of Oakridge Council Meeting in open session, I advised the Oakridge City Council my appointing body, that I was advised of a potential or actual conflict of interest by working with MVHC LLC. I read a statement to the Council that I would no longer work with MVHC LLC. I asked if they would accept what I presented and would it resolve any conflict. By consensus and through head nods they accepted my statement to not work with MVHC LLC. The City Council Minutes from the May 17, 2018 meeting and the statement that I presented to be entered into the official record are attached. Once the error was brought to my attention I sought an immediate remedy.

I did not ever at anytime give any advantage or preferential treatment to MVHC LLC. Each contract that was signed had a minimal 5% increase. In 2018, that increase was not implemented.

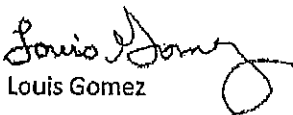
The First Contract was signed on 2-28-16 for \$82,440- the Budget Committee which includes the Council was given the budget message stating that the City was Hiring a contractor to fill the Fire Chief Position and the \$82,440 was reflected in the Emergency Services Fund Budget that was adopted by the City Council.

The second Contract was signed on 2-17-17 for \$86,562- again the Budget Committee which includes the Council was given the budget message stating that the City was continuing with a contractor to fill the Fire Chief Position and the \$86,562 was reflected in the Emergency Services Fund Budget and adopted by the City Council.

The third Contract was signed on 4-4-18 for \$90,890- the Budget Committee which includes the Council was given the budget message stating that the City was continuing with a contractor to fill the Fire Chief Position and the \$90,890 was reflected in the Emergency Services Fund Budget. Due to a reorganization of the Oakridge Fire Department, where the full time staff took a reduction in pay, MVHC LLC asked to amend the contract, asking that the 5% increase be removed from the contract dated 4-4-18 and the previous year amount of \$86,562 be reinstated, as a show of support of the department. The reorganization and the contract was openly discussed in a public budget committee meeting held in a larger venue to allow the public to hear and understand the changes being made to the department. The budget was approved by Council.

I want to apologize for my error. I did not have any intent to violate any laws and made every effort to openly correct the issue once it was brought to my attention. If you have any questions please let me know.

Respectfully


Louis Gomez

Attachments:

- # 1 Response to Mr. Ball's Complaint by City of Oakridge
- # 2 May 17, 2018 Oakridge City Council Minutes and Statement read by CA Louis Gomez in open session
- #3 September 21, 2017 Oakridge City Council Minutes

October 15, 2018
Re: OGEC Case # 18-220

Government Ethics Commission
Attn: Diane Gould, Investigator
3218 Pringle Rd S, Suite 220
Salem, OR 97302-1544

Ms. Gould

I would like to try and answer the allegations presented by Ms. Kinyon.

In regards to the signing the MVHC PSC 04-04-18, As I stated in my response to Case No. 18-206EDG when I signed the contract (the third one) it did not even cross my mind that there was a potential or actual conflict. I did not give Mr. Hansen any preferential treatment or any advantage. His contract was treated the same way I would have treated any similar contract where the individual would be a direct report to me. As stated previously a minimal 5% increase had been written into each contract. Due to a reorganization of the Fire Department, the staff took a reduction in pay. Mr. Hansen requested that the 4-4-18 MVHC PSC be amended to reflect the previous year's salary as a show of support for the fire department staff. (Amendment to the 04-04-2018 contract is attached) The Mayor had the MVHC LLC Contract reviewed by Brenda Wilson, from Lane Council of Governments without the consent of the Council (or my knowledge) in January 2018. She told the Mayor that the draft contract she reviewed looked in order, provided that (Louie) followed the guidance given to him by the City Attorney for independent contractors, which I did. An issue was raised about if the city had any liability in regards to Mike Hansen being an employee versus an independent contractor. By direction of Council President Carl (After Mayor Coey's resignation) we had the MVHC LLC contract reviewed in June 2018. The City Attorney stated that MVHC LLC substantially satisfies the independent contractor tests.

L and L Consulting and Investigations was not formed for the purpose of working solely for MVHC LLC as Ms Kinyon states. The company was formed for future endeavors as retirement approaches, to include working with non-profits, public defenders offices, public entities such as cities and counties as well as individuals. I want to reiterate that I did not form the company to solely work for MVHC LLC as alleged. My association with MVHC was used as a vehicle to gain a few jobs on my company's portfolio, it wasn't about making money. In fact I also volunteered my time on another job for the same purpose.

Further, if the City Council would have denied my request I would have immediately changed the status of the company to in-active and followed their direction.

In regards to the meeting that Councilor Carl and Mayor Coey had with me on March 19, 2018, to ask me to resign, it led me to believe that they had the votes needed to not renew my contract when the meeting started if I did not agree to resign. During that meeting the Mayor directed me to set a special Council Meeting for the nonrenewal of my contract. The meeting was set for March 27, 2018. Under the City Charter the Mayor has the authority to set special meetings. The topic of MVHC LLC came up during the meeting with Mayor Coey and Council President Carl, simply as an afterthought, since I was already calling the attorney, to get an opinion on the independent contractor issue. It was never brought up or insinuated that it had any bearing on their wanting me to resign.

The Mayor and the Council President meeting with me would have been proper if they had a performance issue to discuss, projects or other topics that the majority of the council had approved. In this case they did not have the consent of the Council to ask me to resign and emails were found in July 2018 that showed a serial meeting by 3 or more councilors through email.

The first question to clear up, is in regards to having the authority to sign the SDAO and MVHC LLC Contracts. In accordance with Definitions for Public Contracting Code ORS 279A.010 (b) Contracting agency" means a public body authorized by law to conduct a procurement. "Contracting agency" includes, but is not limited to, the Director of the Oregon Department of Administrative Services and any person authorized by a contracting agency to conduct a procurement on the contracting agency's behalf. "Contracting agency" does not include the judicial department or the legislative department.

In accordance with our City Charter section 21 (6), I appoint my appointees. The method of the appointment is not delineated. I asked the City Attorney to give the City an opinion to this matter. The city attorney stated that a person that works directly for me, could possibly be appointed in different ways to include personal services contracts. (City Attorney Opinion Attached)

The September 1, 2015 SDAO Contract is exempt from the Public Contracting Code, as the contract is between a city and another public body. I received a two week notice from Fire Chief Albert Alcalde. I asked Chief Alcalde to find me an interim fire chief. He told me that we could contract with SDAO. As the Chief Administrative Officer of the City, I am responsible for all personnel to include hiring, firing and discipline in accordance with the City Charter Section 21 and the City Personnel Manual Chapter 4 Recruitment and Chapter 5 Selection. When I hired the Interim Fire Chief, I asked him to do an initial assessment of the fire department. He advised me that the administrative guidelines, procedures and policies were extremely out of date. It appeared that the department was fractured into small groups. Once he gave me this assessment, I did not believe that we were ready to hire a full time chief, and as the signatory I did not pursue that portion of the scope of work. I felt that it was necessary to insure that the major shortcomings that were found by Interim Chief Hansen were dealt with prior to recruiting a full time fire chief. It is my prerogative on how I fill the position and I exercised that prerogative in accordance with Chapter 5 of the City Personnel Manual. (Attached)

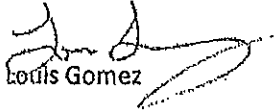
I would like to address the MVHC LLC contracts that I signed, a total of three to serve as a direct report to me. We did follow Public Contracting Code and attempted to solicit 3 quotes. As stated previously, I am allowed to sign the contracts IAW ORS 279A.010 (b), City Attorneys Opinion dated June 05, 2018. I also have the authority given to me under Section 21 of the City Charter to hire, fire and discipline my appointees. There is no requirement for me to involve the council in the construction of the contracts. As stated previously I do have a responsibility to present the Emergency Services Fund, to the Budget Committee, and at that time they were advised that we would be continuing with a contract fire chief, and the annual cost. This was also given to the Council during the budget committee process and upon adoption of the annual budget by the city council which gives us the required spending authority. This includes 3 FY periods that I delineated earlier.

The allegation that I used my city office and phone for anything to do with MVHC LLC is totally false. I was always on my time. I did some education checks by using the National Student Clearing House, Herndon, VA., a commercial clearing house for verifying education. (Receipts available) In regards to using the Law Enforcement Data System (LEDS) I have never used LEDS for any unauthorized uses when I was a police officer and I would never use LEDS for personal use. I have a letter attached from Sergeant Mikal McPherson of the Oakridge Police Department which documents that I did not access LEDS as Ms. Klyon suggests.

The statement Ms. Kinyon's makes that I directed Susan LaDuke to help Mike Hansen create MVHC LLC is totally false and ridiculous on many levels. (Susan LaDuke's response is attached.)

If you have any questions please let me know. I have 7 attachments attached.

Respectfully


Louis Gomez



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

Email: ogec.mail@oregon.gov

Website: www.oregon.gov/ogec

April 19, 2019

Damien R. Hall
Ball Janik LLP
101 SW Main Street
Suite 1100
Portland, Oregon 97204

Re: Commission Advisory Opinion 19-050A

Dear Mr. Hall:

At its April 19, 2019 meeting, the Oregon Government Ethics Commission (Commission) adopted the following advisory opinion in response to the request set forth in your letter to the Commission dated March 15, 2019.

OREGON GOVERNMENT ETHICS COMMISSION ADVISORY OPINION NO. 19-050A

SYNOPSIS OF FACTS AS PRESENTED TO THE COMMISSION:

The following factual information is derived from a letter, e-mails and documents provided to the Commission by attorney Damien Hall.

Following voter approval of Ballot Measure 26-201 in November 2018, the City of Portland (City) created the Clean Energy Community Benefits Fund (Fund) in February 2019. The purpose of the Fund is to provide a long-term funding source to support implementation of the City's Climate Action Plan. Ordinance 189390 establishes the Portland Clean Energy Community Benefits Committee (Committee) to make funding recommendations (grant recommendations) and evaluate the effectiveness of the Fund in achieving its goals.

Committee members will be appointed by the City Council; however, no one has been appointed yet. Mr. Hall reports that once its members are appointed, the Committee will be adopting bylaws which will define "actual conflict of interest" and "potential conflict of interest" consistent with the definitions in ORS 244.020(1) and 244.020(13), respectively. He indicates, however, that the proposed bylaws will not include the exception for nonprofit board membership set forth in ORS 244.020(13)(c).



According to Mr. Hall, the disclosure and recusal requirements in the proposed bylaws will be stricter than those in ORS Chapter 244. They will require:

Committee members with an actual or potential conflict of interest (as defined in the bylaws) relating to a grant application shall, (1) announce publicly the nature of the conflict of interest or potential conflict of interest prior to taking any action thereon ("Disclosure"), and (2) refrain from participating in any discussion, debate or recommendation on the grant application out of which the conflict of interest or potential conflict of interest arises ("Recusal").

Before the Committee reviews, discusses or takes any action on a grant application, committee members with conflicts of interest will be required to disclose their conflicts of interest and, regardless of whether those conflicts are actual or potential, refrain from any participation in the matter.

LEGAL BACKGROUND

Under Oregon Government Ethics law, appointed members of boards and commissions are public officials and must comply with the provisions of ORS Chapter 244. See the definition of public official in ORS 244.040(15).

Conflict of Interest

A conflict of interest is defined as any action, decision, or recommendation that a public official makes in his or her official capacity, the effect of which would be or could be to the private financial benefit or detriment of the public official, a relative, or a business with which the public official or his or her relative are associated. An actual conflict of interest occurs when the effect of the official action, decision, or recommendation would have a certain private financial impact. A potential conflict of interest occurs when the effect of the official action, decision, or recommendation could have a private financial impact. [ORS 244.020(1) and (13)].

Methods of Handling Conflicts

When a public official who is an appointed member of a board or commission is met with either an actual or a potential conflict of interest, the public official must publicly announce the nature of the conflict of interest once on each occasion that the issue giving rise to the conflict occurs. If met with a potential conflict of interest, following the public announcement, the public official may continue to participate in his or her official capacity in any discussion, debate, or vote on the issue. [ORS 244.120(2)(a)]. If met with an actual conflict of interest, following the public announcement, the public official must refrain from discussion, debate, or vote on the issue. [ORS 244.120(2)(b)].

Damien R. Hall
Commission Advisory Opinion 19-050A
April 19, 2019
Page 3

QUESTION: Does compliance with the disclosure and recusal requirements in the bylaws shield commissioners from violation of ORS 244.120?

ANSWER: In general, public bodies may adopt policies that are stricter or more restrictive than the requirements in ORS Chapter 244. So long as the policies satisfy and do not alter the minimum requirements set forth in our statutes, compliance with the stricter policies would be deemed compliance with the requirements in ORS Chapter 244.

With respect to conflict of interest disclosure and recusal, the Committee's policies must be at least as restrictive as the requirements in ORS 244.120 and must contain definitions that are consistent with those in ORS 244.020(1) and 244.020(13). The policies may omit exceptions available under ORS 244 so long as doing so imposes stricter, and not more lenient, ethical requirements. Based on the information provided, it appears that the Committee may adopt a definition of potential conflict of interest that is stricter than that in ORS 244.020(13), in that it does not allow for the non-profit board membership exception in ORS 244.020(13)(c). Additionally, the Committee may adopt a recusal requirement that is stricter than that in ORS 244.020(2)(a), in that it requires the public official to refrain from participation after disclosing a potential conflict of interest.

As the Committee has not yet been appointed and the proposed bylaws have not been approved, the Commission cannot opine on whether the Committee's specific bylaws will satisfy the requirements of ORS Chapter 244. The Commission encourages the Committee to submit its bylaws for review once they are adopted.

THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO ORS 244.280. A PUBLIC OFFICIAL SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN. OTHER LAWS OR REGULATIONS NOT WITHIN THE JURISDICTION OF THE COMMISSION MAY ALSO APPLY.

Issued by Order of the Oregon Government Ethics Commission at Salem, Oregon on the ___ day of April, 2019.

Richard P. Burke, Chairperson
Oregon Government Ethics Commission

Amy E. Alpaugh
Amy E. Alpaugh, Assistant Attorney General



101 SW Main Street, Suite 1100
Portland, Oregon 97204

balljanik.com

t 503.228.2525
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RECEIVED
MAR 15 2019
OREGON GOVERNMENT
ETHICS COMMISSION

March 15, 2019

Damien R. Hall
Also Admitted in California and Washington
503.944.6138
dhall@balljanik.com

Ronald Bersin, Executive Director
Oregon Government Ethics Commission
3218 Pringle Road, SE
Suite 220
Salem, OR 97302-1680

Re: Request for Commission Advisory Opinion

Dear Mr. Bersin:

Please consider this letter a formal request for a Commission Advisory Opinion. Below is the factual scenario followed by the question to be answered by the Oregon Government Ethics Commission.

Facts:

- The Portland City Council appoints a commission (the "Commission") with reviewing applications for grants from the Portland Clean Energy Community Benefits Fund and recommending grant awards to the City Council which makes all final determinations of grant awards.
- The appointed members of the Commission (individually "Commissioner" and collectively "Commissioners") are "public officials" as defined at ORS 244.020(15).
- The Commission adopts bylaws that define "actual conflict of interest" and "potential conflict of interest" consistently with ORS 244.020(1) and (13), but do not include the exception at ORS 244.020(13)(c) for nonprofit board membership.
- The Commission bylaws require that a Commissioner with an actual or potential conflict of interest (as defined in the bylaws) relating to a grant application shall, (1) announce publicly the nature of the conflict of interest or potential conflict of interest prior to taking any action thereon ("Disclosure"), and (2) refrain from participating in any discussion, debate, or recommendation on the grant application out of which the conflict of interest or potential conflict of interest arises ("Recusal").

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Mr. Ronald Bersin
March 15, 2019
Page 2

Question:

Does compliance with the Disclosure and Recusal requirement in the bylaws shield commissioners from violation of ORS 244.120?

Thank you in advance for your and the Commission's consideration of this request. Please do not hesitate to contact me with a questions, clarifications, or for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "DRH", written over a horizontal line.

Damien R. Hall

DRH:KLS

ORDINANCE No. 189390

*Create the Portland Clean Energy Community Benefits Fund (Ordinance; add Code Section 5.04.560)

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Clean Energy Community Benefits Fund (Fund) is the result of Ballot Measure 26-201 that was passed by Portland voters in November 2018.
2. Measure 26-201 is the first time a Portland environmental ballot measure was led by communities on the frontlines of climate change, including low income communities and communities of color.
3. This ordinance requires large retailers to pay a surcharge of one percent (1%) on retail gross revenues in Portland.
4. The purpose of the Fund is to provide a consistent long-term funding source to ensure that the City of Portland's Climate Action Plan is implemented in a manner that supports social, economic and environmental benefits for all Portlanders, including the development of a diverse and well-trained workforce and contractor pool in the field of clean energy.
5. Revenues raised through this business surcharge on large retailers are to be deposited into a separate fund designated as the "Portland Clean Energy Community Benefits Fund."
6. According to the measure passed in November 2018, reasonably necessary expenses incurred in calendar years 2019 and 2020 for the purpose of putting systems in place to administer the Fund and establish the program framework are to be paid for through the Fund. For this reason, and to prepare for collection of the surcharge, there is a need for prompt action to create this Fund.
7. The Fund will be overseen by the Portland Clean Energy Community Benefits Committee, made up of experts and community members to (1) make funding recommendations to the Mayor and City Council; and (2) evaluate the effectiveness of the Fund in achieving the goals outlined in Ballot Measure 26-201.
8. To hire program staff to design, oversee and manage the program, four new positions need to be authorized in the Portland Clean Energy Community Benefits Fund. The positions include a Program Manager, plus three program staff focusing on a) coordinating the advisory and oversight committee, b) community outreach and capacity building, and c) performance metrics, reporting and communications.

9. The authorization of these four staff positions will enable recruitment processes to immediately get underway so that staff are in place in a timely manner to advance the work needed for a successful launch of the program by mid-2020.

NOW, THEREFORE, the Council directs:

- a. City Code Chapter 5.04 is amended by adding a new section as follows:

5.04.560 Portland Clean Energy Community Benefits Fund

The Portland Clean Energy Community Benefits Fund is hereby created to track the transactions related to financing programs funded by the Clean Energy Surcharge (CES) approved by Portland voters through Ballot Measure 26-201 in November 2018 and codified in Portland City Code Chapter 7.02 and Chapter 7.07.

A separate Climate Transportation Investment subfund shall be established to deposit any proceeds deemed to constitute revenues described in Article IX, section 3a, of the Oregon Constitution.

- b. The Fund Statement of Purpose for the Portland Clean Energy Community Benefits Fund included as Exhibit A is hereby adopted. The action to adopt the Fund Statement of Purpose contained in this ordinance is binding City policy.
- c. The Portland Clean Energy Community Benefits Fund be added to the City's financial system:

PORTLAND CLEAN ENERGY COMMUNITY BENEFITS FUND

Fund - 229
Business Area - PN

- d. The Bureau of Planning and Sustainability to bring forth a budget request in the Spring Budget Monitoring Process (BMP) equal to what it believes it will spend in staffing, materials and services by the end of FY 2018-19, and request that amount from General Fund contingency.
- e. The number of authorized positions in the FY 2018-19 Revised Budget is hereby amended to include the following new positions:

Bureau of Planning and Sustainability
Fund - 229
Business Area - PN
Authorized FTE - 4.0
Position Types - Regular

Adding these positions will bring total authorized positions in the City to 6691.6 FTE.

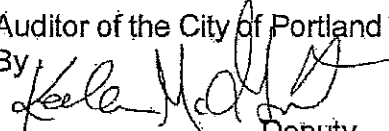
- f. All reasonably necessary program-related expenses covered by the Solid Waste Management Fund and the General Fund in FY 2018-19 and FY 2019-20 will be reimbursed from the Clean Energy Community Benefits Fund in FY 2019-20.

Section 2. The Council declares that an emergency exists in order that design and development of the Portland Clean Energy Community Benefits Program can begin without delay; therefore, this ordinance shall be in full force and effect upon passage.

Passed by the Council: FEB 21 2019

Mayor Ted Wheeler
Prepared by: Michele Crim/Amanda Watson
Date Prepared: February 11, 2019

Mary Hull Caballero

Auditor of the City of Portland
By 
Deputy

Portland Clean Energy Community Benefits Fund

Managing Bureau: Bureau of Planning & Sustainability

Statement of Purpose: The Portland Clean Energy Community Benefits Fund finances programs that meet the following priorities: a) clean energy projects, including renewable energy and energy efficiency projects and regenerative agriculture and green infrastructure projects; b) clean energy jobs training; c) priority will be given to programs that both reduce greenhouse gases and promote economic, social, and environmental benefits.

No more than 5% of the fund shall be spent on expenses associated with administering the fund once established. Specifically, the limitation will not apply to reasonable necessary expenses incurred in calendar year 2019 and 2020, while the program is being established and systems put in place for administering and collecting the surcharge and distributing funds.

Sources of Revenue: The funding comes from the Clean Energy Surcharge (CES) approved by Portland Voters through Ballot Measure 26-201 in November 2018. The CES is effective for tax years beginning on or after January 1, 2019. The CES imposes a 1% surcharge on the retail sales within Portland of certain large retailers.

Contingency Requirements: Per Financial Policy 2.04, this fund shall budget contingency adequate to address reasonable but unforeseen requirements within the fiscal year. There are no minimum or maximum contingency requirements for the Portland Clean Energy Community Benefits Fund.

Reserve Requirements: There are no reserve requirements for this fund.

Disposition of Funds: In the event the fund is closed, all remaining funds shall revert to the General Fund.



Oregon

Kate Brown, Governor

Government Ethics Commission

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Salem, OR 97302-1544

Telephone: 503-378-5105

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Email: ogec.mail@oregon.gov

Website: www.oregon.gov/ogec

March 15, 2019

Steve Elzinga
Governmental & Legal Affairs Director
Office of the Secretary of State
900 Court Street NE
Salem, Oregon 97310

Re: Advice Number 19-0331

Dear Mr. Elzinga:

This letter of advice is provided in response to your request received on March 15, 2019, which presents questions regarding potential ethical issues arising as a result of the funerals held for Secretary of State Dennis Richardson. The analysis and advice that follows is offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances presented.

As we understand, a state funeral for Secretary of State Richardson was held on March 6, 2019. The Richardson family held a smaller private funeral service as well. You have asked whether there are prohibitions or reporting requirements relating to donations for the family funeral for Secretary Richardson. You have clarified that none of the family members are Oregon public officials. Additionally, you have asked whether there are prohibitions or reporting requirements on donations to the Secretary of State's Office for the state funeral. These donations include items such as flowers, cookies, funeral programs and photography.

Initially, we wish to clarify that there is no requirement that anyone file a Statement of Economic Interest on behalf of Secretary Richardson. The requirement to file a Statement of Economic Interest applies only to public officials who hold the position on April 15th of the applicable year.

Oregon's gift clause, ORS 244.025, provides that during a calendar year, public officials or their relatives or household members may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any source that could reasonably be known to have a legislative or administrative interest.



Steve Elzinga
March 15, 2019
Page 2

With respect to the donations for the family funeral, while the gift clause does ordinarily apply to gifts received by relatives of public officials, due to his untimely passing, Secretary Richardson was not a public official at the time these donations were received. Thus, the gift clause would no longer apply to Secretary Richardson's family members. As you have indicated that none of his family members are public officials in their own rights, there would not appear to be any prohibition or reporting requirement applicable to the donations for the family funeral.

With respect to the donations of items for the state funeral, your request appears to indicate that these items were donated to and accepted by the Secretary of State's Office. The gift clause, as set forth in ORS 244.025, would not apply in this situation because it only applies to individual public officials and their families or household members. Oregon Government Ethics law does not regulate gifts to public entities. Thus there would not be any prohibition or reporting requirement applicable to the donations for the state funeral.

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/svm

****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.



Oregon

Kate Brown, Governor

Government Ethics Commission

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Website: www.oregon.gov/ogec

March 20, 2019

Oregon State Senate – State Capitol Building

Attn: Senator Brian Boquist

900 Court Street NE S-305

Salem, Oregon 97301

RE: Advice Number 19-0431

Dear Senator Boquist:

This letter of advice is provided in response to your request received on March 3, 2019, which presented questions regarding the application of Oregon Government Ethics laws and how the laws may apply to public officials - specifically, members of the State Legislature and their roles as legislators while also serving as “non-legislative” public employees. This analysis and advice is being offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances you have presented.

Below we address your specific questions as posed in your correspondence:

Question 1 – Do Legislators need to claim conflicts of interest?

Answer: YES. Legislators are among those considered to be public officials by statute and therefore they need to declare all conflicts of interest, whether potential or actual, and comply with all appropriate disclosure and disposition requirements.

Question 2 – Do Legislators who are also non-legislative public employees need to declare conflicts of interest?

Answer: YES. Non-legislative public employees are also among those considered to be public officials by statute and therefore need to declare all conflicts of interest, whether potential or actual, and comply with all appropriate disclosure and disposition requirements. As you can see from ORS 244.120(1)(a) & (c) listed within the addendum, Legislators disclose their conflicts of interest differently than other public employees.



Question 3 – Are they exempt as public employees from the law?

Answer: NO. Public employees are considered to be a public official by statute.

Question 4 – Is failing to declare a conflict of interest OK as it is covered under the First Amendment as free speech?

Answer: NO. A public official shall declare all conflicts of interest and comply with all appropriate disclosure and disposition requirements. [See ORS 244.120 under the Addendum]

Question 5 – Can an employee or member employee of the Legislature working full time maintain a second full time public job elsewhere in the state or other government entity? In short be paid twice for the same time? If on leave of absence without pay, is it permissible upon returning to have your salary increased to cover the leave without pay missed while you were at the other public job?

Answer: YES. The State of Oregon recognizes that public officials may hold more than one position in a public capacity and may potentially have conflicting responsibilities. [See ORS 244.010 under the Addendum]

In general, public officials may obtain employment with another employer or engage in private income producing activity of their own. However, they must not use their position/office held to create an opportunity for additional personal income. They must also ensure that there is a clear distinction between the use of personal resources and time for personal income producing activity and the use of their public body's time and resources.

As far as the compensation of public officials, we would not be able to provide advice in response to this portion of your inquiry as this area is outside of the Oregon Government Ethics Commissions (OGECS) jurisdiction.

Question 6 – Is it permissible to be paid by two government agencies at the same time? Meaning as example can an educator draw their salary from a non-legislature entity at the same time as drawing their salary from the Legislature? Does being in Session or out of Session impact drawing two public salaries at the same time?

Answer: YES – The State of Oregon recognizes that public officials may hold more than one position in a public capacity, [see ORS 244.010(4) above]. YES – Public officials are allowed to accept anything identified as part of their "official compensation package". [ORS 244.040(2)(a) & OAR 199-005-0035(3)]. NO – Being in or out of Session does not impact a public official from drawing two salaries from a public entity at the same time. In short, Legislators are employed aside from their job at the legislature and ORS Chapter 244 does not prohibit a Legislator from engaging in paid work through either public or private

employment. (See the “Guidelines for Outside Employment” within the Guide for Public Officials - Guide for Public Officials)

Question 7 – Are public employees who are members of the Legislature exempt from filing financial interest statements with the Ethics Commission since government entities who employ the legislator or other elected official are not considered businesses?

Answer: NO. All Legislators shall file a Statement of Economic Interest (SEI), per ORS 244.050(1)(a). It does not matter what other sources of income a legislator may have – either from a public employer or private business. Public bodies, such as; a public university, are not considered “businesses” for application of the conflict of interest and prohibited use of office/position provisions in ORS Chapter 244.

Question 8 – Are Legislators exempt from oversight or complaints to the Oregon Government Ethics Commission?

Answer: NO. Although, the statutes in ORS Chapter 244 contain several instances in which Legislators are treated differently than other public officials, Legislators are subject to ORS Chapter 244. [See ORS 244.045, 244.050 and 244.260 under the Addendum]

Question 9 – Are Legislators exempt from Oregon Government Ethics Commission oversight during Legislative Session? Long Session? Short Session? Legislative Days?

Answer: NO – See answer to Question 8 above. You may be referring to the special treatment of Legislators in ORS 244,260(4)(b) & (5)(a), which excludes from OGEC oversight any conduct covered by Article IV, Section 9 of the Oregon Constitution which applies specifically to Legislators:

Article IV, Section 9 of Oregon Constitution

Legislators Free from Arrest and Not Subject to Civil Process in Certain Cases; Words Uttered in Debate

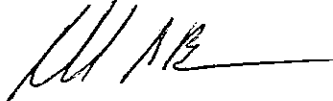
Senators and Representatives in all cases, except for treason, felony, or breaches of the peace, shall be privileged from arrest during the session of the Legislative Assembly, and in going to and returning from the same; and shall not be subject to any civil process during the session of the Legislative Assembly, nor during the fifteen days next before the commencement thereof: Nor shall a member for words uttered in debate in either house, be questioned in any other place.

Question 10 – If the OGEC has no oversight authority as asserted by Legislative Counsel while in Session are Legislators exempt from the \$50 gift rules during Sessions?

Answer: NO. Legislators are not exempt from Oregon Government Ethics Laws and are therefore required to comply with the gift provisions. [See ORS 244.025 under the Addendum]

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/mjw

*****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

ADDENDUM

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

244.010 Policy. (1) *The Legislative Assembly declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.*

(2) *The Legislative Assembly recognizes and values the work of all public officials, whether elected or appointed.*

(3) *The Legislative Assembly recognizes that many public officials are volunteers and serve without compensation.*

(4) *The Legislative Assembly recognizes that it is the policy of the state to have serving on many state and local boards and commissions state and local officials who may have potentially conflicting public responsibilities by virtue of their positions as public officials and also as members of the boards and commissions, and declares it to be the policy of the state that the holding of such offices does not constitute the holding of incompatible offices unless expressly stated in the enabling legislation.*

(5) *The Legislative Assembly recognizes that public officials should put loyalty to the highest ethical standards above loyalty to government, persons, political party or private enterprise.*

(6) *The Legislative Assembly recognizes that public officials should not make private promises that are binding upon the duties of a public official, because a public official has no private word that can be binding on public duty.*

(7) *The Legislative Assembly recognizes that public officials should expose corruption wherever discovered.*

(8) *The Legislative Assembly recognizes that public officials should uphold the principles described in this section, ever conscious of the public's trust.*

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

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

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

(a) *Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person's relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding calendar year;*

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

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

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

(10) *"Legislative or administrative interest" means an economic interest, distinct from that of the general public, in:*

(a) *Any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official; or*

(b) *Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official.*

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

244.025 Gift limit. (1) *During a calendar year, a public official, a candidate or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest.*

244.045 Regulation of subsequent employment of public officials; lobbying by former members of Legislative Assembly.

(6) A person who has been a member of the Legislative Assembly may not receive money or any other consideration for lobbying as defined in ORS 171.725 performed during the period beginning on the date the person ceases to be a member of the Legislative Assembly and ending on the date of adjournment sine die of the next regular session of the Legislative Assembly that begins after the date the person ceases to be a member of the Legislative Assembly.

244.050 Persons required to file statement of economic interest; filing deadline. (1)

On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

244.260 Complaint and adjudicatory process; confidentiality; Preliminary Review Phase; presentation of statement of facts and recommendations; Investigatory Phase; possible actions by order; report of findings; contested case procedure; limitation on commission action.

(4)(b) During the Preliminary Review Phase, the executive director of the commission may seek, solicit or otherwise obtain any books, papers, records, memoranda or other additional information, administer oaths and take depositions necessary to determine whether there is cause to undertake an investigation or whether the alleged violation involves conduct protected by Article IV, section 9, of the Oregon Constitution.

(5)(a) If the commission determines that there is not cause to undertake an investigation or that the alleged violation of this chapter involves conduct protected by Article IV, section 9, of the Oregon Constitution, the commission shall dismiss the complaint or rescind its motion and formally enter the dismissal or rescission in its records. If the commission considers the recommendation of the executive director in an executive session but the commission does not affirmatively vote to undertake an investigation, dismiss the complaint or rescind its motion, the nonaction taken by the commission shall be considered a dismissal of the complaint or a rescission of its motion. The commission shall notify the person who is the subject of action under this section of the dismissal or rescission. After dismissal or rescission, the commission may not take further action involving the person unless a new and different complaint is filed or action on the commission's own motion is undertaken based on different conduct.

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

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

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

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

(2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

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

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

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

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

244.177 Employment of relative or member of household; exceptions.

(2) A member of the Legislative Assembly may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position on the personal legislative staff of the member of the Legislative Assembly.

244.179 Supervision of relative or member of household; exceptions.

(2) A member of the Legislative Assembly may directly supervise a person who:

(a) Is a relative or member of the household; and

(b) Serves as a public official in a position on the personal legislative staff of the member of the Legislative Assembly.



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

Email: ogec.mail@oregon.gov

Website: www.oregon.gov/ogec

March 27, 2019

Pete Sorenson
PO Box 10836
Eugene, OR 97440

Re: Advice 19-0481

Dear Mr. Sorenson:

This letter of advice is provided in response to your request received on March 25, 2019, which presented a question regarding the application of Oregon Government Ethics law to your circumstances as a Lane County Commissioner and attorney in private practice. This analysis and advice is being offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances you have presented.

FACTS AS PRESENTED:

You are one of five elected members of the Board of Lane County Commissioners (Board). As such, you are a public official as defined in ORS 244.020(15).

You are also an attorney and practice law part-time as the Sorenson Law Office (Sorenson Law). You currently limit your practice to Freedom of Information (FOIA) requests, appeals, and litigation in the U.S. District Court for the District of Columbia (DC District).

Sean Malone is an attorney who practices in both Oregon and the DC District as the Law Office of Sean T. Malone (Malone Law). Malone Law and Sorenson Law work together on cases relating to FOIA matters on behalf of public minded plaintiffs, including the Wild Horse Freedom Federation (WHFF), a Texas based national non-profit corporation acting to preserve wild horses and burros on federal Bureau of Land Management (BLM) lands in the West.

When the two firms work together, they jointly represent clients, exchange case related material, and share legal fees for the FOIA legal work. All of these joint cases originate in the DC Circuit and none of the joint legal work involves Lane County land, resources, or residents. Malone Law, Sorenson Law, and other attorneys outside Lane County are currently engaged on behalf of WHFF and



others in a FOIA action against the BLM. These cases do not involve wild horses or land in Lane County.

Sometimes Malone Law represents Oregon non-profit organizations such as Landwatch Lane County, which seeks to protect Lane County's farms, forests, and open space. Landwatch will be appearing as a party to land use matters that come before the Board of Commissioners.

You state that you do not discuss County business, including land use matters, with attorney Malone and have disclosed your business relationship with Malone Law to the legal counsel for the Board.

The BLM is a federal agency with jurisdiction over 247 million acres of federal lands, including jurisdiction over wild horses throughout the west. The BLM also has jurisdiction over 2.6 million acres of forestlands of the Oregon and California Revested Railroad Lands (O & C Lands). Lane County and 15 other counties, as part of an Association of O & C Counties (Association), is suing the federal government over alleged violation of the O & C Lands Act regarding forest management practices.

Lane County's participation in the Association and the lawsuit are controversial.

QUESTION 1: Are you required to disclose that you have a business relationship with Sean Malone when Mr. Malone appears before the Board as an attorney in land use matters that are not related to the FOIA legal work that your firm and his firm perform jointly?

ANSWER: No. In relevant part, a public official is met with an actual conflict of interest when the public official participates in an official action that would have a direct financial impact on themselves or any business with which the official or a relative is associated. The public official is met with a potential conflict of interest when the public official participates in an official action, decision or recommendation that could have a financial impact on themselves or any business with which the official or their relative is associated. [ORS 244.020(1) and ORS 244.020(13)].

In your capacity as a County Commissioner, if you are met with a conflict of interest, you must on each occasion, publicly disclose the nature of your conflict, regardless of whether it is an actual or potential conflict of interest. Then, if the conflict is actual, you must also refrain from any discussion, debate or vote on the issue giving rise to the conflict. If the conflict is potential, you may participate in official actions following the public disclosure. [ORS 244.120(2)]

You state that you have previously disclosed your business relationship with Mr. Malone to the Board's legal counsel, however, when met with a conflict of interest, you must disclose the nature of your conflict in a public meeting and then refrain from further participation in your official capacity in the case of an actual conflict. Notice to your County's legal counsel is insufficient to comply with ORS 244.120.

In addition to the conflict of interest provisions, ORS 244.040(1) prohibits public officials from using or attempting to use their official position to obtain a financial benefit for themselves, a relative or household member, or a business with which they or a relative or household member are associated, if that benefit would not be available "but for" holding their official position. This prohibition applies regardless of whether the public official complies with the conflict of interest provisions. [ORS 244.040(7)]

"Business," as statutorily defined, includes self-employed individuals and any legal entity operated for economic gain. The definition of "business with which the person is associated" includes any private business or closely held corporation of which the person or their relative is a director, officer, owner, employee, or agent or in which the person or their relative currently owns or has owned stock or other equity worth \$1,000 or more at any point in the preceding calendar year. As a County Commissioner, you are required to file an Annual Verified Statement of Economic Interest and report any income source that is 10% or more of your annual total household income. Any such income source is also a statutorily defined "business with which you are associated." [ORS 244.020 (2) and (3), 244.050(1)]

Sorenson Law and Malone Law are both statutorily defined "businesses." Sorenson Law is obviously a "business with which you are associated"; however, it does not appear that Malone Law is a business with which you or a relative or household member are associated for purposes of the application of the conflict of interest and prohibited use of office provisions of Oregon Government Ethics law. For example, you have provided no indication that Mr. Malone is a statutorily defined relative or household member of yours, or that you or a relative are a director, employee, officer, or agent of Malone Law, or that Malone Law is a source of income for your household, or that you have a financial investment in Malone Law. It is not clear what you mean by stating that Sorenson Law shares legal fees with Malone Law when jointly representing private clients in FOIA matters, but unless you or a relative or household member have a financial interest in Malone Law, it does not appear that it would meet the definition of a "business with which you are associated." [244.020(11) and (16)]

In short, unless the effect of your official action as Lane County Commissioner would or could financially affect you, a relative, or a business with which you or a

relative are associated, you are not met with a conflict of interest and need not make a disclosure to comply with ORS 244.120.

QUESTION 2: May you participate in land use issues that come before you in your capacity as a Lane County Commissioner when Mr. Malone is involved as an attorney for a party, such as Landwatch, in land use matters that are not related to the FOIA legal work that you and he perform jointly?

ANSWER: Yes. As discussed above, it does not appear from the information provided that Malone Law (or Landwatch) is a business with which you or a relative or household member are associated for purposes of the application of the conflict of interest and use of office provisions in ORS Chapter 244.

A public official is prohibited from representing a client for a fee before the governing body of a public body of which the person is a member. But, this prohibition does not apply to the "person's employer, business partner or other associate." Thus, *you* would be prohibited from representing a client before the Lane County Board of Commissioners, but that prohibition does not extend to a public official's business partner or "other associate." [ORS 244.040(6)]

QUESTION 3: Because you represent FOIA plaintiffs suing the BLM in your capacity as a private attorney on matters unrelated to Lane County, are you prohibited from participating in your capacity as a Lane County Commissioner concerning issues involving the O & C Lands, the County's participation in the Association, or the County's funding of the Association and its lawsuit against the BLM?

ANSWER: Circumstances alone do not create a statutory conflict of interest. The mere fact that as a private attorney you represent a client that is suing the BLM, would not prohibit you from participating in your official capacity as a County Commissioner in actions that involve the BLM.

As discussed in the answer to Question 2, you would be prohibited from representing a client for a fee before the *Lane County Commissioners*, but that is not the situation here. Rather, it appears that as a private attorney you represent a client that is suing the BLM, and that you, in your capacity as a Lane County Commissioner, are taking official actions and making decisions on behalf of Lane County as a plaintiff in a separate and unrelated lawsuit that also involves the BLM.

Again, whether you are prohibited from taking official actions as a Commissioner on any matter that comes before the Board is dependent on whether the effect of your official action would or could financially affect you, a relative or household member, or a business with which you, a relative or household member, are associated. Each official action you take as a County Commissioner would have

Pete Sorenson
March 27, 2019
Page 5

to be analyzed by you to determine compliance with the conflict of interest and prohibited use of office statutes.

Finally, you should note that a public official may not attempt to further or further their own personal gain through the use of confidential information gained in the course of or by reason of holding a position as a public official or the activities of the public official. [ORS 244.040(4)]

QUESTION 4: Am I required to give a notice to the Board about a potential conflict of interest under the facts as stated?

ANSWER: No. Although it does not appear that you have a conflict of interest in this situation, the proper way to dispose of any conflict of interest under ORS 244.120(2) is to announce to the public (at a meeting, for example) the nature of your conflict and then, if it is an actual conflict, refrain from taking any further official actions on the matter. If the conflict is potential, you may take official actions following your disclosure.

If you have any additional questions regarding the application of Oregon Government Ethics law to this or other situations, please feel free to contact our office. The Commission's staff is always available by phone and email to answer questions.

Sincerely,



Ronald A. Bersin
Executive Director

RAB/dg

*****DISCLAIMER*****

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

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HUNTER David * OGEC

m: Pete Sorenson <petesorenson@gmail.com>
Sent: Monday, March 25, 2019 1:32 PM
To: OGEC Mail * OGEC
Subject: Sorenson Ethics Letter 3-25-19
Attachments: Sorenson Ethics Signed Letter 3-25-19.pdf

RECEIVED
MAR 25 2019
OREGON GOVERNMENT
ETHICS COMMISSION

March 25, 2019

Dear Oregon Government Ethics Commission,

Attached is my signed letter of March 25, 2019. I request an opinion on the matters raised in the letter.

Very truly yours,

Pete Sorenson
PO Box 10836
Eugene, Oregon 97440

Pete Sorenson
PO Box 10836
Eugene, OR 97440

March 25, 2019

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

Via Email: ogec.mail@oregon.gov

Dear Oregon Government Ethics Commission,

I am a full time public official and request an opinion from the Oregon Government Ethics Commission.

There are several people and organizations I will be mentioning in this request.

PEOPLE / ORGANIZATIONS

I am a Lane County Commissioner. I am also an attorney licensed to practice law in Oregon and the United States District Court for the District Columbia (hereafter "DC District"). In addition to my role as a county commissioner, I practice law part time as the Sorenson Law Office ("Sorenson Law"). I limit my practice to Freedom of Information Act (FOIA) requests, FOIA administrative appeals and FOIA litigation in the DC District.

Sean T. Malone is an attorney licensed to practice law in Oregon and the DC District. Mr. Malone practices law as the Law Office of Sean T. Malone ("Malone Law").

Lane County - a county with a self-governing charter (referred to as the County)

Lane County Board of Commissioners - governing authority of the County (hereafter the "Board").

Bureau of Land Management - a Federal agency (hereafter "BLM") with jurisdiction over 247 million acres of Federal lands including jurisdiction over wild horses throughout the arid west. The BLM also has jurisdiction over 2.6 million acres of forestlands of the Oregon & California Revested Railroad Lands (the "O & C Lands").

Association of O & C Counties (the "Association") - An association comprised of 16 of the 18 Western Oregon counties in which O & C Lands are located, including the County.

Landwatch Lane County - an Oregon non-profit organization working to protect the County's farms, forests, natural areas, and open space ("Landwatch"). Sometimes, Malone Law represents

Landwatch. Landwatch will be appearing as a party to land use matters that come up before the Board.

Wild Horse Freedom Federation (hereafter "WHFF") - a Texas based national non-profit corporation founded and led by citizens acting to preserve diminishing herds of wild horses and burros on BLM lands in the arid West.

FACTS:

I am one of five elected Lane County Commissioners and a member of the Board.

Malone Law and Sorenson Law work together on cases relating to enforcement of the Federal Freedom of Information Act on behalf of public minded Plaintiffs, including WHFF. When the two firms work together on matters we are jointly representing our clients, and exchange information relating to these cases. The two firms share legal fees for the jointly performed FOIA legal work. All of our cases originate in the DC District. None of the joint legal work performed by the two firms involves land or resources in the County, or even people living in the County.

I have not discussed, and it is my practice not to discuss, the County land use or other County matters with attorney Malone, and I have fully disclosed my business relationship with Malone Law to the Board's counsel.

Sorenson Law and Malone Law, together with other attorneys outside of the County, are engaged on behalf of WHFF and others concerned about records on wild horses in the arid west in a FOIA action against the BLM. These cases do not involve wild horses or land in the County.

The Association and the County, together with 15 of the other 18 O & C counties are suing the Federal government over alleged violation of the O & C Act pertaining to forest management practices on O & C Lands. The County's participation in the Association, and in the lawsuit, are controversial. Two former member counties (Multnomah and Benton) have withdrawn from the Association.

QUESTIONS PRESENTED:

1. Am I required under the Oregon ethics statutes governing public officials to disclose that I have a business relationship with Sean Malone when Mr. Malone appears before the Board as an attorney in land use matters that are in no way not related to the FOIA legal work that he and I perform jointly?

2. May I participate in land use issues before the Board when Mr. Malone is involved as an attorney for a party, such as Landwatch, in land use matters that are in no way not related to the FOIA legal work that he and I perform jointly?

3. Am I prohibited from participating in matters before the Board, involving the O & C Lands, the Association, and the County's funding of the Association I have been threatened because I both represent FOIA plaintiffs suing the BLM over wild horse records issues (in my capacity as an attorney for these public interest plaintiffs) while at the same time participating in Board

decisions concerning unrelated BLM issues, including the O&C Lands and issues relating to the Association.

4. Am I required to give a notice to the Board about a potential conflict of interest under the facts disclosed above?

CONCLUSION AND REQUEST

Because my vote on land use matters involving Landwatch does not provide me with any pecuniary gain, and because no pecuniary gain will be derived from how I act or do not act relating to the various Landwatch or Association matters before the Board, I do not believe I have a conflict on the matters described herein.

I request a staff opinion as soon as reasonably possible. The next regularly scheduled meeting of the Board is April 2, 2019.

Your guidance and staff opinion is most appreciated.

Very truly yours,



Pete Sorenson



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

Email: ogec.mail@oregon.gov

Website: www.oregon.gov/ogec

April 10, 2019

Tiffany Edwards
3839 Sterling Woods Drive
Eugene, Oregon 97408

Re: Advice Number 19-0561

Dear Ms. Edwards:

This letter of advice is provided in response to your request received on April 1, 2019, which presents a question regarding how Oregon conflict of interest laws would apply to a Planning Commissioner whose private employment requires her to advocate for legislative positions that are in opposition to the City's official positions. The analysis and advice that follows is offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances presented.

According to the information provided, you are a member of the Planning Commission for the City of Eugene (City). In your private capacity, you are the Director of Business Advocacy for the Eugene Chamber of Commerce (Chamber), and in that position monitor legislative activities and lobby on behalf of the Chamber.

HB 2001, currently in the House Committee on Human Services and Housing, would require cities and counties with certain minimum populations to allow middle-housing in lands zoned for single-family dwellings and would limit some restrictions on accessory dwelling units (ADUs). This legislation, if passed, would apply to the City of Eugene.

A local citizen has questioned whether your private employment creates a conflict of interest for you as a public official because on behalf of the Chamber you advocated for passage of HB 2001, while the City Council separately voted to oppose this legislation. According to the citizen, your advocacy for this legislation suggests you have prejudged the City's proposed ADU standards, which is problematic since the Planning Commission will have to make recommendations to the City Council on appropriate ADU amendments. The citizen writes that a Planning Commissioner "cannot at the same time 'lobby' for certain ADU criteria and pretend to be able to provide independent, conflict-free review of ADU criteria."

A public official is met with an actual or potential conflict of interest when participating in an official capacity in any action, decision, or recommendation, if the effect would be or could be to the private pecuniary benefit or detriment of the public official, the official's



relative, or any business with which either is associated. An actual conflict of interest occurs when a public official participates in an official action that would have a direct financial impact on that official, the official's relative or any business with which either is associated. A potential conflict of interest occurs when a public official's action, decision or recommendation could have a financial impact on the official, the official's relative or any business with which either is associated. [ORS 244.020(1) and 244.020(13)].

For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income under ORS 244.060(3) (a source producing ten percent or more of the total annual household income) is a business with which you are associated. [ORS 244.020(3)(d)]. Planning Commissioners are public officials required to file a statement of economic interest. [ORS 244.050(k)].

Public officials appointed to a board or commission, when met with a conflict of interest, whether actual or potential, must on each occasion, publicly announce the nature of their conflict. Then, if the conflict is actual, they must also refrain from any discussion, debate or vote on the issue giving rise to the conflict. If the conflict is potential, they may participate in official actions following their public disclosure. [ORS 244.120(2)].

Additionally, ORS 244.040(1) prohibits a public official from using or attempting to use their official position or office to obtain financial gain or avoid financial detriment for the public official, a relative or household member, or any business with which any of them are associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

In the scenario you describe, you are acting in your private capacity when you advocate for legislation on behalf of the Chamber. Because you are acting in your private capacity and are not speaking for or on behalf of the City, your actions would not give rise to a statutory conflict of interest. You are not participating in your official capacity, and your legislative advocacy would also not appear to be to your private pecuniary benefit or detriment. Your private legislative advocacy also does not appear to be a misuse of office under ORS 244.040, since you are not using your official position to obtain financial gain and your ability to engage in such advocacy is not available to you only because of your official position.

When you do take official action as a Planning Commissioner, you will need to evaluate whether you have any actual or potential conflicts of interest to disclose. In making such evaluation, you should consider whether the effect of your official action would be (actual) or could be (potential) to your private financial benefit or detriment, or that of a relative or a business with which you or a relative are associated. If you conclude that you have an actual conflict of interest, you must publicly disclose the nature of your conflict and refrain

Tiffany Edwards
April 10, 2019
Page 3

from all participation in any discussion, recommendation or vote. If you conclude that you have a potential conflict of interest, you must publicly disclose the nature of your conflict, but may then participate in the discussion, recommendation or vote.

As an example, consider if the Planning Commission were to make recommendations on ADU amendments that, if approved by the City Council, would permit homeowners to rent out garage apartments. If you have a home with a garage that could be converted into an apartment, then the effect of your official action could be to your private financial benefit. In such a situation, you would have a potential conflict of interest and would be required by ORS 244.120(2) to disclose the nature of this conflict before continuing to discuss and vote on the recommendations.

Although the Chamber is a 501(c)(6) non-profit organization, it is still a business with which you are associated for purposes of the conflict of interest statutes because it is a source of income that you list on your Statement of Economic Interest. Thus, if the Planning Commission were to take any official action that would or could financially impact the Chamber, you would need to disclose an actual or potential conflict of interest.

We note that the City's Planning Director drew a distinction between the legislative and quasi-judicial aspects of being a Planning Commissioner, specifically noting that a Commissioner must remain unbiased during quasi-judicial hearings. Oregon's conflict of interest statutes address actual or potential financial benefits or detriments; they do not address bias. The requirements of ORS Chapter 244 apply to you as a Planning Commissioner regardless of whether you are acting in a legislative or a quasi-judicial capacity.

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/svm

****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.



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

Email: ogec.mail@oregon.gov

Website: www.oregon.gov/ogec

April 9, 2019

Kevin R. McConnell
Senior Assistant City Attorney
City of Gresham
1333 NW Eastman Parkway
Gresham, Oregon 97030

Re: Advice Number 19-062I

Dear Mr. McConnell:

This letter of advice is provided in response to your request received on April 5, 2019, which presents a question regarding how Oregon's gift clause would apply to a public official receiving gift cards from a neighbor. The analysis and advice that follows is offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances presented.

According to the information provided, a city councilor has a neighbor who is by profession a builder. This builder is building a house for a third-party on a plot adjacent to his own and to the councilor's residence. When the builder asked the councilor questions relating to the project, the councilor spoke to city staff and then put the builder in touch with those city staff members who could assist him. The councilor has had no further involvement with the project, and does not expect that the project will need approval from the city council or any of its advisory bodies. Recently, the builder dropped off two \$50 gift cards at the councilor's house, handing them to the councilor's wife. The councilor was not home and did not know the builder planned to deliver these gift cards.

You asked the following questions:

1. Can the city councilor accept both gift cards?
2. Can he accept only one gift card?
3. Can the councilor's wife accept either one or both gift cards?
4. If the councilor and his wife are not permitted to keep the gift cards, can he donate the gift cards to charity?

Oregon's gift clause, ORS 244.025, provides that during a calendar year, public officials or their relatives or household members may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any source that could reasonably be known to have a legislative or administrative interest.



Kevin R. McConnell
April 9, 2019
Page 2

A legislative or administrative interest is defined in ORS 244.020(10) as an economic interest that is distinct from the economic interest held by members of the general public in the votes or decisions of the public official. A builder who may be seeking a building permit from the City could have an economic interest distinct from that of the general public. Thus, in the scenario you describe the builder is a source with a legislative or administrative interest in the votes or decisions of the public official, i.e., the city councilor.

Since the source of the gift cards has a legislative or administrative interest, the city councilor in your example could not accept both gift cards because together they exceed the \$50 limit set forth in ORS 244.025. If in the calendar year the councilor has not accepted any other gifts from this builder, then the councilor could accept one of the gift cards without violating the gift clause.

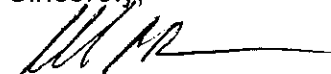
The councilor's wife could also accept one of the gift cards, but not both of them. OAR 199-005-0030(3) provides that the \$50 gift limit in ORS 244.025 applies separately to the public official and to the public official's relatives or household members. Each such individual may accept gifts from a single source of a total of \$50 per calendar year.

Based on the information provided, the councilor's acceptance of one of the gift cards would also not appear to be a prohibited use of office. In 2009, ORS 244.040(2) was amended to read that as long as acceptance of a gift does not otherwise violate Oregon Government Ethics law, it also does not violate ORS 244.040.

In the scenario presented, the councilor and his wife could donate the gift cards to charity. Government Ethics Commission staff recognize that sometimes returning or rejecting a gift that cannot be accepted may be problematic or even impossible. In such circumstances, we recommend two alternatives: (1) treat it as a gift to the public office or body the public official represents (Oregon Government Ethics law does not regulate gifts to public entities); or (2) donate the item to charity without accepting a tax write off.

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/svm

****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.

Trainers' Report April 19, 2019

This report covers the time period of March 8, 2018, through April 19, 2019.

Completion of training:

- Portland Metro – ORS 244 (Portland)
- Jackson County – ORS 244 & SEI (Jackson County)
- City of Vernonia – ORS 244 (Vernonia)
- Oregon Health Authority – ORS 244 (Salem)
- Port of Newport – ORS 244 (Newport)
- Oregon State Marine Board – ORS 244 & 192.660 (Salem)

Upcoming Trainings:

<u>Date</u>	<u>Time</u>	<u>Public Body (Topic)</u>	<u>Address</u>
4/24/2019	6:00 – 7:30 PM	City of Gaston (ORS 244)	Gaston City Hall 116 Front Street Gaston, OR 97119
4/25/2019	11:00 – 12:00 PM	Oregon Health Authority New Employee Orientation (ORS 244)	Human Services Building 500 Summer St. NE Room 166 Salem, OR 97301
4/30/2019	TBD	Oregon Department of Forestry (ORS 244)	Oregon Department of Forestry 2600 State Street, Bldg. C Salem, OR 97310
5/6/2019	3:00 – 5:00 PM	City of West Linn (ORS 244 & 192)	City of West Linn City Hall Council Chambers 22500 Salamo Road 2 nd Floor West Linn, OR 97068
5/21/2019	2:30 – 3:30 PM	Oregon Savings Growth Plan Advisory Council (ORS 244)	Archives Building 800 Summer Street NE Suite 200 Salem, OR 97310

5/22/2019	11:00 – 12:00 PM	Oregon Health Authority New Employee Orientation (ORS 244)	Human Services Building 500 Summer St. NE Room 166 Salem, OR 97301
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Upcoming Conferences:

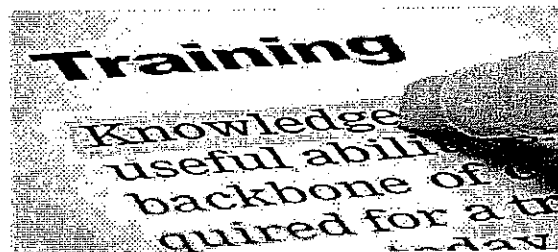
7/25/2019	TBD	Oregon Association of School Business Officials 2019 Annual Summer Conference (ORS 244)	Riverhouse Conference Center 3075 N Hwy 97 Room TBD Bend, OR 97703
8/1/2019	TBD	Oregon County Counsel Association (ORS 244, 192.660)	Mount Bachelor Village Resort 19717 Mt. Bachelor Dr. Bend, OR 97702

Training Staff:

Tammy Hedrick
Monica Walker

503-378-6802
503-378-2011

tammy.r.hedrick@oregon.gov
monica.walker@oregon.gov



May 2019

Oregon Government Ethics Commission AdobeConnect Webinar Training Calendar

Monday	Tuesday	Wednesday	Thursday	Friday
		1 New Employees: you're a public official, now what! 10:00 – 1100 AM	2 Executive Session 10:00 – 11:00 AM	3
	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Email ogec.training@oregon.gov to register for a webinar. </div>			
6	7 Gifts 10:00 – 11:00 AM	8	9 U/O & Conflicts of Interest 2:00 – 3:00 PM	10
13	14	15	16 Lobby Law 2:00 – 3:00 AM	17
20	21	22	23	24
27 MEMORIAL DAY OFFICE CLOSED	28	29	30	31 COMMISSION MEETING

Executive Director's Report

April 7, 2019

- Budget
 - 2017-19 biennial budget
 - Currently projected with an \$189,379.03 surplus.
 - Expenditures through January, \$108,641.99 spent per month; \$133,101.80 average to spend per month.
 - General Fund Revenues have exceeded predictions, forecasted; \$30,000 for biennium; moneys collected to date, \$55,755.75.
 - 2019-21 biennial budget
 - HB 5020 budget bill passed through Joint Ways and Means.
 - Third Reading in the Senate scheduled for April 10, 2019.
 - \$2,913,971 biennial budget proposed by Governor.
 - No Policy Packages: a current service level request budget.
 - Adjusted for inflation for DAS assessments and AG costs.
- 2019 Legislative Bills
 - HB 2096 passed through House Judiciary with unanimous vote.
 - Continue working on HB 2097 and 2277 in House Rules.
 - Will work on public hearing for HB 2096 in Senate Judiciary.
 - Meeting with Senate Judiciary Committee members.
- SEI
 - Deadline April 15th.
 - Continue to work previous year's non-filers to submit SEIs due.
 - SEI not filed as of 4/10/2019 = 1221.
- Other
 - Opened Compliance Specialist 2 position.
 - Lobbyist filings due for all four quarters of 2018, 3 Clients, 4 Lobbyists.

OREG GOVERNMENT ETHICS COMMISSION
AY19 CASH FLOW

		Appn 30000 - Admin - PCA 41501					Appn 70000 - GF - PCA 00501				
	Beginning Cash Balance	Actuals To Date	Actuals + Projected	2017-2019 LAB	Variance	Actuals To Date	Actuals + Projected	2017-2019 LAB	Variance		
REVENUE											
0415 ADMINISTRATIVE AND SERVICES CHARGES	2,519,661.13	2,519,661.13	2,519,661.13	2,524,954.00	5,292.87	55,755.75	61,755.75	30,000.00	0.00		
0505 FINES AND FORFEITS	307.25	307.25	307.25	2,000.00	1,692.75				0.00		
0975 OTHER REVENUE											
Total Revenue	2,519,968.38	2,519,968.38	2,519,968.38	2,526,954.00	6,985.62	55,755.75	61,755.75	30,000.00	(31,755.25)		
TRANSFERS											
2010 TRANSFER OUT TO OTHER FUNDS	(10,000.00)	(10,000.00)	(10,000.00)		10,000.00				0.00		
1107 TRANSFER IN FROM DEPT OF ADMIN SVCS									0.00		
Total Transfers	(10,000.00)	(10,000.00)	(10,000.00)		10,000.00				0.00		
PERSONAL SERVICES											
3110 CLASS/JUNCLASS SALARY & PER DIEM	888,176.55	1,090,780.90	1,090,780.90	1,119,202.00	28,421.10				0.00		
3160 TEMPORARY APPOINTMENTS				466.00	466.00				0.00		
3170 OVERTIME PAYMENTS				0.00	0.00				0.00		
3190 ALL OTHER DIFFERENTIAL	1,514.98	1,514.98	1,514.98	64.00	(1,514.98)				0.00		
3210 ERB ASSESSMENT	323.52	392.00	392.00	206,804.00	(42,727.56)				0.00		
3220 PUBLIC EMPLOYEES' RETIREMENT SYSTEM	178,223.15	211,076.36	211,076.36	61,420.00	(3,886.35)				0.00		
3221 PENSION BOND CONTRIBUTION	53,048.25	65,276.35	65,276.35	82,741.00	(1,148.28)				0.00		
3230 SOCIAL SECURITY TAX	68,390.01	83,889.28	83,889.28	621.00	(176.17)				0.00		
3250 WORKERS' COMPENSATION ASSESSMENT	341.87	444.83	444.83	6,490.00	(385.17)				0.00		
3260 MASS TRANSIT	5,337.98	6,675.17	6,675.17	311,148.00	(82,047.19)				0.00		
3270 FLEXIBLE BENEFITS	184,202.46	229,100.81	229,100.81						0.00		
Total Personal Services	1,879,558.77	1,689,150.67	1,689,150.67	1,789,348.00	(100,197.33)				0.00		
SERVICES AND SUPPLIES											
4100 INSTATE TRAVEL	12,407.78	14,771.17	14,771.17	19,004.00	4,232.83				0.00		
4125 OUT-OF-STATE TRAVEL	2,324.00	2,914.00	2,914.00	7,080.00	4,166.00				0.00		
4150 EMPLOYEE TRAINING	9,690.98	11,536.88	11,536.88	21,557.00	10,020.12				0.00		
4175 OFFICE EXPENSES	9,856.33	12,843.37	12,843.37	18,723.00	5,879.63				0.00		
4200 TELECOMM/TECH SVC AND SUPPLIES	51,094.41	51,494.41	51,494.41	52,557.00	1,062.59				0.00		
4225 STATE GOVERNMENT SERVICE CHARGES	31,700.30	31,700.30	31,700.30	98,254.00	66,153.70				0.00		
4250 DATA PROCESSING	480.02	890.02	890.02	1,023.00	132.98				0.00		
4275 PUBLICITY & PUBLICATIONS	12,048.42	13,626.62	13,626.62	9,469.00	(4,157.62)				0.00		
4300 PROFESSIONAL SERVICES	256,568.00	293,318.00	293,318.00	310,552.00	17,234.00				0.00		
4315 IT PROFESSIONAL SERVICES	160,593.91	183,503.41	183,503.41	161,995.00	(21,508.41)				0.00		
4325 ATTORNEY GENERAL LEGAL FEES	193.99	1,441.99	1,441.99	2,484.00	1,042.01				0.00		
4375 EMPLOYEE RECRUITMENT & DEVELOPMENT		225.00	225.00	450.00	225.00				0.00		
4400 DUES AND SUBSCRIPTIONS	67,770.71	82,491.37	82,491.37	94,494.00	12,002.63				0.00		
4425 FACILITIES RENT & TAXES	2,616.44	2,616.44	2,616.44	(2,616.44)	0.00				0.00		
4455 AGENCY PROGRAM RELATED SVCS & SUPP	163,774.57	168,244.57	168,244.57	164,091.00	(4,153.57)				0.00		
4650 OTHER SERVICES AND SUPPLIES	621.50	3,800.00	3,800.00	7,607.00	3,807.00				0.00		
4700 EXPENDABLE PROPERTY \$250-\$5000	11,533.69	11,533.69	11,533.69		(11,533.69)				0.00		
4715 IT EXPENDABLE PROPERTY									0.00		
Total Services and Supplies	793,281.05	887,351.24	887,351.24	969,340.00	81,988.76				0.00		
5900 OTHER CAPITAL OUTLAY											
TOTAL EXPENDITURES	2,172,839.82	2,576,501.91	2,576,501.91	2,758,688.00	182,186.09				0.00		
Ending Cash Balance*	1,135,295.86	731,633.77				55,755.75	61,755.75				

*Outstanding Revenue Invoices not taken into consideration



OREGON GOVERNMENT ETHICS COMMISSION
Fund 0050 - AGENCY REVENUE TO GENERAL FUND
For the Month of FEBRUARY 2019

Budget	Budget Obj Title	Monthly Activity	Biennium to Date Activity	Financial Plan	Unobligated Plan	Monthly Avq to Date	Monthly Avq to Spend
Obj	FINES AND FORFEITS	1,150.00	55,755.75	30,000.00	-25,755.75	2,787.79	-6,438.94
0505		1,150.00	55,755.75	30,000.00	-25,755.75	2,787.79	-6,438.94

SUMMARY TOTALS

REVENUES	REVENUE
	Total
	1,150.00
	55,755.75

0050
 AGENCY REVENUE TO GENERAL FUND

Month Activity	Biennium Activity
1,150.00	55,755.75
1,150.00	55,755.75



OREGON GOVERNMENT ETHICS COMMISSION
Fund 4150 - OF LIMIT - ADMIN
For the Month of FEBRUARY 2019

REVENUES		Monthly Activity		Biennium to Date Activity		Financial Plan		Unobligated Plan		Monthly Avg to Date		Monthly Avg to Spend	
Budget	Budget Obj Title												
0415	ADMINISTRATIVE AND SERVICES CHARGES	0.00	2,519,661.13	2,524,954.00	5,292.87	125,983.06	1,323.22						
0505	FINES AND FORFEITS	0.00	0.00	0.00	0.00	0.00	0.00						
0975	OTHER REVENUE	54.25	307.25	2,000.00	1,692.75	15.36	423.19						
		54.25	2,519,968.38	2,526,954.00	6,985.62	125,998.42	1,746.41						

TRANSFER OUT		Monthly Activity		Biennium to Date Activity		Financial Plan		Unobligated Plan		Monthly Avg to Date		Monthly Avg to Spend	
Budget	Budget Obj Title												
0999	DEFAULT	0.00	10,000.00	10,000.00	0.00	0.00	-10,000.00	500.00	-2,500.00				
		0.00	10,000.00	10,000.00	0.00	0.00	-10,000.00	500.00	-2,500.00				

PERSONAL SERVICES		Monthly Activity		Biennium to Date Activity		Financial Plan		Unobligated Plan		Monthly Avg to Date		Monthly Avg to Spend	
Budget	Budget Obj Title												
3110	CLASS/JUNCLASS SALARY & PER DIEM	50,076.15	888,176.55	1,081,008.00	192,831.45	44,408.83	48,207.86						
3160	TEMPORARY APPOINTMENTS	0.00	0.00	466.00	466.00	0.00	116.50						
3190	ALL OTHER DIFFERENTIAL	0.00	1,514.98	0.00	-1,514.98	75.75	-378.75						
3210	ERB ASSESSMENT	17.12	323.52	456.00	132.48	16.18	33.12						
3220	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	7,222.78	178,223.15	202,950.00	24,726.85	8,911.16	6,181.71						
3230	PENSION BOND CONTRIBUTION	2,830.87	53,048.25	61,151.00	8,102.75	2,652.41	2,025.69						
3230	SOCIAL SECURITY TAX	3,860.10	68,390.01	82,741.00	14,350.99	3,419.50	3,567.75						
3250	WORKERS' COMPENSATION ASSESSMENT	15.39	341.87	621.00	279.13	17.09	69.78						
3260	MASS TRANSIT	300.45	5,337.98	6,490.00	1,152.02	266.90	288.01						
3270	FLEXIBLE BENEFITS	11,248.99	184,202.46	300,024.00	115,821.54	9,210.12	28,955.39						
		75,571.85	1,379,558.77	1,735,907.00	356,348.23	69,977.94	89,087.06						

SERVICES and SUPPLIES		Monthly Activity		Biennium to Date Activity		Financial Plan		Unobligated Plan		Monthly Avg to Date		Monthly Avg to Spend	
Budget	Budget Obj Title												
4100	INSTATE TRAVEL	356.20	12,407.78	19,004.00	6,596.22	620.39	1,649.06						
4150	EMPLOYEE TRAINING	0.00	2,324.00	7,080.00	4,756.00	116.20	1,189.00						
4175	OFFICE EXPENSES	645.42	9,690.98	21,557.00	11,866.02	484.55	2,966.51						
4200	TELECOMM/TECH SVC AND SUPPLIES	414.12	9,856.33	18,723.00	8,866.67	492.82	2,216.67						
4225	STATE GOVERNMENT SERVICE CHARGES	10.00	51,094.41	52,557.00	1,462.59	2,554.72	365.65						
4250	DATA PROCESSING	88.09	31,700.30	98,254.00	66,553.70	1,585.02	16,638.43						
4275	PUBLICITY & PUBLICATIONS	0.00	480.02	1,023.00	542.98	24.00	135.75						
4300	PROFESSIONAL SERVICES	10,000.00	12,048.42	9,469.00	-2,579.42	602.42	-644.86						
4315	IT PROFESSIONAL SERVICES	7,350.00	256,568.00	310,552.00	53,984.00	12,828.40	13,496.00						

Budget	Budget Obj Title	Monthly Activity	Biennium to Date Activity	Financial Plan	Unobligated Plan	Monthly Avg to Date	Monthly Avg to Spend
4325	ATTORNEY GENERAL LEGAL FEES	0.00	160,593.91	161,995.00	1,401.09	8,029.70	350.27
4375	EMPLOYEE RECRUITMENT AND DEVELOPMENT	0.00	199.99	2,484.00	2,284.01	10.00	571.00
4400	DUES AND SUBSCRIPTIONS	0.00	0.00	450.00	450.00	0.00	112.50
4425	FACILITIES RENT & TAXES	3,652.77	67,770.71	94,494.00	26,723.29	3,388.54	6,680.82
4575	AGENCY PROGRAM RELATED SVCS & SUPP	204.25	2,616.44	0.00	-2,616.44	130.82	-654.11
4650	OTHER SERVICES AND SUPPLIES	1,458.03	163,774.57	164,091.00	316.43	8,188.73	79.11
4700	EXPENDABLE PROPERTY \$250-\$5000	0.00	621.50	7,607.00	6,985.50	31.08	1,746.38
4715	IT EXPENDABLE PROPERTY	0.00	11,533.69	0.00	-11,533.69	576.68	-2,883.42
		24,180.88	793,281.05	969,340.00	176,058.95	39,664.05	44,014.74

SUMMARY TOTALS

REVENUES	REVENUE	TRANSFER OUT	EXPENDITURES
Total	54.25	0.00	75,571.85
Total	54.25	0.00	24,180.88
Total			99,752.73

4,150
OFFICE ADMIN

Month Activity Biennium Activity



Oregon

Kate Brown, Governor

Department of Administrative Services

Chief Financial Office

155 Cottage St NE

Salem, OR 97301-3963

Phone: 503-378-3106

Fax: 503-373-7643

Date: March 8, 2019

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

RECEIVED
MAR 18 2019
OREGON GOVERNMENT
ETHICS COMMISSION

Re: **FY 2018 GOLD STAR CERTIFICATE**

It is a great pleasure to inform you that your agency has earned the Chief Financial Office's Gold Star Certificate for fiscal year 2018.

The Chief Financial Office's Gold Star Certificate is awarded to state agencies that provide accurate and complete fiscal year end information in a timely manner. Clearly, the Gold Star is a challenge to earn, and its achievement is due primarily to your agency's diligent efforts to maintain accurate and complete accounting records throughout the year.

Your agency's participation in the Gold Star Certificate program is important in meeting statewide fiscal performance goals and key to the timely preparation of Oregon's Comprehensive Annual Financial Report (CAFR) and the statewide Schedule of Expenditures of Federal Awards. Your agency's success in accounting and financial reporting is also critical to Oregon's success in receiving a favorable audit opinion on both statewide documents.

The Chief Financial Office's Gold Star Certificate is Oregon's equivalent to the nationally recognized GFOA Certificate of Achievement for Excellence in Financial Reporting. Through the collaborative team effort of state agencies and the Chief Financial Office, Oregon has earned the GFOA Certificate every year since 1992. Gold Star agencies are key to making this possible.

The Gold Star Certificate was delivered to your agency's lead CAFR accountant, **Emily Rothweiler**. Congratulations to your agency and your fiscal team for this outstanding work!

Sincerely,

George Naughton, Chief Financial Officer
Chief Financial Office

Robert W. Hamilton, Manager
Statewide Accounting and Reporting Services



