

Olivia Dias

From: SARAH OWENS <HLOWENS2@msn.com>
Sent: Friday, November 13, 2020 8:27 AM
To: Olivia Dias
Cc: CanDo Board
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE
Attachments: OGEC-Kaser Stip Agrmt 10-23-20.pdf

Please accept as public comment in the referenced matter the attached agreement between former Councilor Cara Kaser and the Oregon Government Ethics Commission, dated October 23, 2020, in which she agreed she'd violated ORS 244.120(2) by failing to disclose that she lived across the street from the subject property when the proposed development was before Council on an application for the City's HOME funds. She also failed to disclose that she was married to the neighborhood association officer who testified against the development. She was instrumental in persuading the Council not to approve the funding award, even though the project was eligible.

Kaser's conduct with regard to the proposed development has, I believe, tainted the approval process and unfairly prejudiced the City Council against it. To be explicit, I believe Council has already shown bias against the project, and I am concerned that they cannot be objective in determining whether the applicant has met its burden of proof in showing that the project meets all approval criteria. Nevertheless, I hope Council will overcome its bias and approve this much needed housing development for the good of the City.

Sarah Owens
CANDO

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)	
)	STIPULATED FINAL ORDER
)	
Cara Kaser)	CASE NO. 20-168ELC
)	
_____)	

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) in the above referenced case against Cara Kaser.
2. JURISDICTION: At all material times, Cara Kaser was a City Council member with the City of Salem City Council (City Council). As a City Council member, Cara Kaser was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
3. STIPULATED FACTS:
 - A. Ms. Kaser is a city councilor in Salem, Oregon. She is serving in her fourth year as a city councilor and was elected to the position in 2016.
 - B. In June, 2020, Ms. Kaser participated in a City Council meeting in which the decision to approve the 2020-2024 Consolidated Plan to award and deny federal US Department of Housing and Urban Development "HOME" funds to multiple organizations. This decision specified the awarding of funds to multiple organizations and the denial of funds to one organization, DevNW.
 - C. Specifically, the funds denied to DevNW were for "acquisition and conversion of an existing church and parsonage for up to 14 affordable

housing units and office space for” DevNW for a potential project that would be located on real property at 905/925 Cottage Street NE in Salem, Oregon.

- D. Ms. Kaser owns and resides at real property located at 934 Cottage Street NE in Salem, Oregon, which is located across the street from the property DevNW wished to develop. The property is currently owned by Evergreen Presbyterian Church.
- E. Ms. Kaser, upon learning of the upcoming decision regarding the 2020-24 Consolidated Plan to award and deny federal HOME funds consulted with the city attorney about potential conflicts of interest prior to the June City Council meeting. The city attorney advised Ms. Kaser that a decision which might involve a conflict of interest would be many months removed from any potential land-use decision affecting the Evergreen Presbyterian Church property and that the legislative decision at issue would not result in any direct action being taken on that property.
- F. Ms. Kaser, acting in good faith and on the opinion of the city attorney and her own understanding, did not disclose that she owned and resided at property located across the street from the proposed DevNW property, currently owned by Evergreen Presbyterian Church, during the June 22, 2020 City Council meeting. Ms. Kaser voted on the Consolidated Plan which, in part, denied funds to DevNW for the property located at 905/925 Cottage St NE in Salem, Oregon at that meeting.
- G. Actual and potential conflicts of interest are defined in ORS 244.020(1) and (13), respectively, as arising when a public official, acting in his or her official capacity, participates in any action, decision, or recommendation, the effect of which would be (actual) or could be (potential) to the private pecuniary benefit or detriment of the public official, a relative, or any business with which the public official or a relative is associated.

- H. Cara Kaser was met with a potential conflict of interest while serving in her official capacity as a City Councilor at the June 22, 2020 City Council meeting when the Consolidated Plan was discussed and acted upon, as described in paragraphs (B) through (E), above.
- I. ORS 244.120(2)(a) requires an elected official, when met with a potential conflict of interest, to announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official. Ms. Kaser did not announce the conflict at the June 22, 2020 City Council meeting.
- J. The actions described in paragraph 3(B), (E) and (F) constitute one violation of ORS 244.120(2).
- K. ORS 244.350 authorizes the Commission to assess civil penalties for violations of ORS 244.120 set forth in paragraph 3(I).
- L. The Commission contends that results of the investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find one violation of ORS 244.120(2)(a).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On September 18, 2020, the Commission considered information in the preliminary review phase of Case No. 20-168ELC and acted to find cause to initiate an investigation of this matter. Cara Kaser 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. Cara Kaser will receive a letter of education, as authorized by ORS 244.350(5), in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Cara Kaser within the scope of the above-referenced proceedings.
- D. Cara Kaser 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, Cara Kaser 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, Cara Kaser 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.



Cara Kaser

10/23/2020

Date

Nathan Sosa, Chairperson
Oregon Government Ethics Commission

Date