

- C. During the high school equestrian season, from November 1 through mid-April, the Team generally practices twice a week. From mid-April through mid-June, those students on the Team who qualify for Regional or State competitions will continue to practice.
- D. As the Team coach, Angie Wacker decides, or participates in deciding, when, how often, and where the Team will practice. Beginning in 2014, when she became coach, and continuing through the present, Team practices have primarily been held at WPH. By selecting WPH as the arena for Team practices, Angie Wacker took action that provided a financial benefit to WPH, a business with which she is associated.
- E. Each time the Team practices at WPH, WPH charges student-athletes arena practice fees payable from the student-athletes' accounts at the high school. WPH earned fees in excess of \$3,000 per year. Additionally, holding the Team practices at WPH created the opportunity for WPH to increase its revenue through charging boarding, leasing and trailing fees to student-athletes who choose to board or lease at WPH for convenience because the Team practices are held there.
- F. The Oregon High School Equestrian Teams organization (OHSET) issued Standard Operating Guidelines, in effect during the relevant time period, that stated: "Advisors, coaches, parents, etc., who also own a facility that meetings the needs of the team may charge a reasonable (typical) [arena practice] fee." While the language in the OHSET Guidelines is not dispositive and does not accord with ORS Chapter 244, Ms. Wacker did rely on the OHSET Guidelines when participating in the decision to select WPH as the arena for Team practices.

- G. By making decisions or participating in making decisions that provided a financial benefit to WPH, Angie Wacker violated ORS 244.040(1).
- H. Angie Wacker's two daughters are her relatives, as defined in ORS 244.020(16)(a). Both daughters participated on the Team, but they were not charged the arena practice fees that other student-athletes were charged.
- I. By waiving the arena practice fees for her daughters, Angie Wacker used her position to permit her daughters to avoid a financial detriment. By so doing, she violated ORS 244.040(1).
- J. The actions described in Paragraphs 3(D), 3(E), and 3(G) constitute one violation of ORS 244.040(1). The actions described in Paragraphs 3(H) and 3(I) constitute a second violation of ORS 244.040(1).
- K. ORS 244.020(1) provides that a public official has an actual conflict of interest when the public official participates in any action, decision or recommendation the effect of which would be to the private financial benefit or detriment of the public official, or the public official's relative, or a business with which the public official or the public official's relative is associated.
- L. When Angie Wacker participated in the decisions to hold practices at WPH, she had actual conflicts of interest, as the effect of her decisions would provide a financial benefit to a business with which she is associated. When Angie Wacker made the decision to grant fee waivers to her daughters, she had actual conflicts of interest, as the effect of her decisions would permit her daughters to avoid a certain financial detriment.

- M. ORS 244.120(1)(c) requires an appointed public official, such as Angie Wacker, to notify their appointing authority, in writing, of the nature of their conflicts of interest and request that appointing authority dispose of the matters giving rise to the conflicts. The appointing authority can dispose of such conflicts of interest by designating another employee to handle the matter or by directing the public official to handle it in a manner specified by the appointing authority.
- N. Angie Wacker's appointing authority was Oregon City High School Athletic Director Andy Jones. Angie Wacker never submitted written notifications of her actual conflicts of interest to Andy Jones.
- O. Angie Wacker's failure to submit written notification of her actual conflicts of interest arising from holding Team practices at WPH constitutes one violation of ORS 244.120(1)(c). Angie Wacker's failure to submit written notification of her actual conflicts of interest arising from granting fee waivers to her daughters constitutes a second violation of ORS 244.120(1)(c).
- P. ORS 244.350 authorizes the Commission to assess civil penalties of up to \$5,000 for each violation of ORS 244.040(1) set forth in paragraph 3(J). ORS 244.350 authorizes the Commission to assess civil penalties of up to \$5,000 for each violation of ORS 244.120(1)(c) set forth in paragraph 3(O).
- Q. ORS 244.360 authorizes the Commission to order Angie Wacker to pay a monetary forfeiture equal to twice the amount of financial gain she realized as a result of these violations.
- R. 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 two violations of ORS 244.040(1) and two violations of ORS 244.120(1)(c).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On January 29, 2021, the Commission acted to find violations, bring the investigative phase to a close, and move to a negotiated settlement or a contested case hearing. The January 29, 2021 action was a preliminary finding of violations of ORS 244.040(1) and ORS 244.120(1)(c), as a prelude to a stipulated settlement or a contested case hearing, and not a final conclusion regarding violations of Oregon Ethics law by Angie Wacker.
- B. Angie Wacker will pay a civil penalty, as authorized by ORS 244.350, in the amount of \$2,000 in order to settle and compromise this matter.
- C. By entering into this Stipulated Final Order, Angie Wacker 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 Angie Wacker within the scope of the above-referenced proceedings.
- E. Angie Wacker 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, Angie Wacker 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, Angie Wacker 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.



Angie Wacker

4-4-2021

Date



Dan Mason, Chairperson
Oregon Government Ethics Commission

4-30-21

Date