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The Redacted Transparency Promise of Oregon Governor Kate Brown



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At first, we questioned why Oregon Governor Kate Brown spent taxpayer money on pricey yoga classes, brewery trips, movie tickets, hundreds of expensive car washes, a Canadian kayak trip, and expenses on her luxurious vacation to Palm Springs, California... But then it got worse.

During her first two terms, our audit **revealed** Governor Kate Brown redacted nearly 4,000 items from her official state calendar. The governor redacted calendar entries on nine out of every ten days since taking office. In addition to these transparency issues, we found potential violations of Oregon state law regarding Brown's credit card spending.

The governor is flouting Oregon open records laws and blurring the line between the taxpayer-funded agency resources and her campaign activities. Furthermore, Brown used public funds for private purposes – during her time as secretary of state and as governor.

Oregon taxpayers should demand answers.



PENDLETON, OR: Oregon Governor Kate Brown attends the Pendleton Round-Up on September 15, 2017 in Pendleton, Oregon. The governor claims transparency, but is she taking citizens for a ride? (Photo by Natalie Behring/Getty Images)

Our previous oversight of Governor Brown exposed troubling patterns. For example, last year, our auditors **found** the governor solicited \$518,203 in campaign donations from hundreds of state vendors. Those state vendors reaped millions of dollars in state contracts.

Earlier this year, we **found** Brown's office designated 52 employees as lobbyists, but **disclosed** zero dollars in lobbying expenditures on the official Oregon Ethics Commission website – during a 21-month period. Our oversight forced Brown to amend her filings, disclosing \$165,489 in payments to her lobbyists.

Now we've discovered systemic redactions from Brown's calendar. Through Brown's first 1,156 days as governor (February 2015 through April 2018), 994 days on her official calendar included redacted information. There are up to 14 line-item redactions per day.

Oregon State Law (ORS 192.355 Section 2a) **allows redactions** for information of a “personal nature” (i.e. doctor’s appointments). But in Brown’s calendar, there were nearly 4,000 items redacted, including names of people Brown met with, travel locations, campaign events, and even entire calendar days.

Brown’s calendar was packed with 500 events tagged as “campaign,” with further details redacted. When we asked the governor for comment, spokesperson Chris Pair cited a circuit court **case** – not a completely settled law – arguing the public has no right to know:

“Campaign information is not a matter of ‘public record’ under the Oregon Public Records Law. See Oracle America, Inc. v. Brown, No. 15CV30762 at *12 (Marion Cnty. Cir. Ct. Aug. 24, 2016)”

However, the governor didn’t explain why a taxpayer-funded calendar platform is used to book, schedule, and keep track of 500 campaign events. According to the governor’s own internal ‘political activities’ **policy**, *“employees are expressly prohibited from using any work time or any state resources to conduct political activities.”*

Therefore, if state employees on state time are entering campaign events, meetings, and activities on the governor’s taxpayer-funded calendar, then it certainly looks like a violation of the iron wall between state agency resources and campaign activities.

Consider just a few examples of Brown hiding campaign events, trips, and other activities on her taxpayer-funded calendar:

- **July 6, 2016:** This day started out with a redacted campaign event at 7:00 am. During the late morning, Brown’s calendar shows a roundtable discussion and tour in Lake Oswego, Oregon, and various phone calls. The rest of the day, however, is entirely hidden – six separate campaign events and meetings were blacked out along with their locations.

- **May 3, 2017:** On this trip to Washington, D.C., Brown redacted information about four campaign events in the morning and another event in the evening. Additionally, two non-campaign meetings and a conference call on this day were redacted from the entry. Overall, just two hours of Brown's D.C. schedule was disclosed.
- **August 17, 2017:** The only events on this day not blacked out were a media interview at Bandon Dunes Golf Resort and a lunch break. Brown redacted seven different campaign events, including their locations, and one conference call.
- **October 23, 2017:** Traveling in San Francisco, Brown's only disclosed events were marked as "travel time." Brown spent nearly the entire day campaigning – redacting details on six separate events – and redacted information about two non-campaign events starting at 8:00 pm.
- **February 23, 2018:** On another trip to Washington, D.C., Brown spent her entire day campaigning. After a 4:00 am MSNBC interview – the only non-redacted event on the calendar – Brown's day consisted of eleven blacked-out campaign events, lasting from 5:00 am until 10:00 pm.

Redactions raise red flags. If the governor has nothing to hide, she should disclose more of her activities. When we asked the governor for comment regarding her 4,000 calendar redactions, spokesperson Pair pointed to a public safety exception:

“Governor Brown took the extraordinary step of releasing her calendar to the public, proactively, on a weekly basis. Redacted from these calendars are entries exempt from disclosure, such as Oregon State Police information about the Governor's physical safety.”

Here's the problem with that argument: We didn't count redacted names of the assigned security officers. There are 4,000 items redacted from the governor's calendar *without* counting these security detail redactions.

Not only has Governor Brown redacted major portions of her official calendar, she has hindered citizens' ability to follow the money flowing from her office. We filed an Open Records request for the governor's credit card spending, but we can't tell how many credit cards her office issued because, too many times, cardholder names were redacted.

Digging into the disclosed transactions, our auditors found a pattern of using the office credit cards to pay for private legal dues and personal expenses. This is disconcerting because using public credit for a private purpose is illegal in Oregon and across most other states.

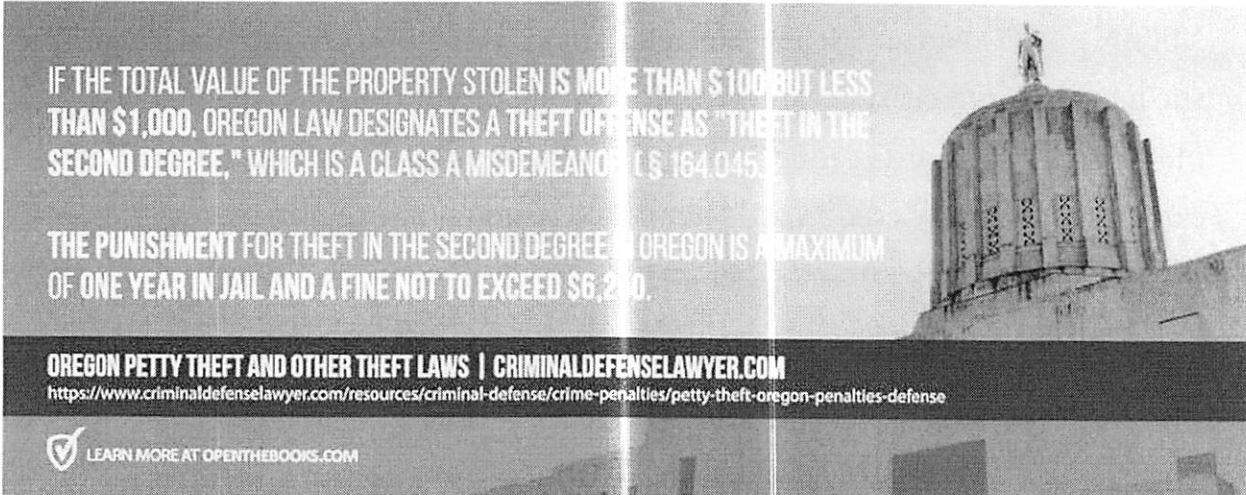
As secretary of state, Brown **charged** her annual \$537 Oregon State Bar membership fees to an office credit card in her name. It wasn't enough that Brown received \$18,000 in expense stipends over a six-year period, she still charged-off her private law dues with the agency's plastic.

We gave the governor an opportunity to respond on the record:

“Does the governor want to make a statement regarding her use of the public credit card as secretary of state to pay for her Oregon Bar Association dues?”

Office of the Governor Spokesperson Chris Pair: “No.”

On multiple occasions, the governor *admitted* to using public credit for a private purpose. In April 2016, Brown indulged at a high-end restaurant at River's Edge Hotel and Spa called Aquariva, spending \$126.60. Later that year, Brown spent \$362.94 at Office Depot on personal items. In both cases, Brown **reimbursed** the state (taxpayers) for what could be considered theft of public funds.



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We found Brown's administration continued the governor's precedent to use office funds to cover personal law dues. This time, it was \$1,671 in payments to cover law dues for at least two staffers *who work as deputies and policy advisors*:

- The governor's office **charged-off** Gina Zejdlik's bar dues in 2017 even though Zedjlik was Brown's interim chief of staff, then took the deputy chief of staff position. Zedjlik's salary spiked from \$108,836 (2015) to 129,936 (2017) – that's plenty of money to pay her own dues.
- The governor's office **charged-off** Heidi Moawad's bar dues for the last two years. Moawad is Brown's public safety and military policy advisor **earning** a \$130,146 salary. Our data, however, shows that Moawad is paid through the Department of Corrections payroll – not by the governor's office. What kind of a shell-game is being played here?

When former Governor John Kitzhaber resigned from office amidst a corruption scandal, Kate Brown took over, promising a new day in Salem. Instead of keeping her promises, Brown is creating a disappointing legacy.

Read the governor's spokesperson full response to our questions regarding these payments **here**.

From: PAIR Chris * GOV <Chris.PAIR@oregon.gov>
 Sent: Wednesday, May 16, 2018 5:37 PM
 To: Adam Andrzejewski
 Subject: Re: On-the-record statement requested - Gov. Kate Brown

1. Gina Zejdlik and Heidi Moawad were both hired by the Governor's Office because they are lawyers (licensed in Oregon). Ms. Zejdlik was a lawyer in the Office of Legislative Counsel and she advises the Governor and her General Counsel on drafts of legislation and legislative procedure, among many other things. Ms. Moawad was a prosecutor for many years. She advises the Governor and her General Counsel on matters of criminal law. Governor Brown and Oregonians are well served by having licensed lawyers in these positions.

2. Campaign information is not a matter of "public record" under the Oregon Public Records Law. See *Oracle America, Inc. v. Brown*, No. 15CV30762 at *12 (Marion Cnty. Cir. Ct. Aug. 24, 2016) ("The Governor's Office correctly determined that communications concerning an incumbent governor's campaign activities do not meet the definition of 'public record' in ORS 192.410(4)(a).")

3. No.

4. Governor Brown took the extraordinary step of releasing her calendar to the public, proactively, on a weekly basis. Redacted from these calendars are entries exempt from disclosure, such as Oregon State Police information about the Governor's physical safety.

From: Adam Andrzejewski <Adam@openthebooks.com>
 Date: Wednesday, May 16, 2018 at 12:24 PM
 To: PAIR Chris * GOV <Chris.PAIR@oregon.gov>
 Cc: Adam Andrzejewski <Adam@openthebooks.com>
 Subject: On-the-record statement requested - Gov. Kate Brown

Chris Pair,

We are publishing a piece to Forbes online and would like any context, background or feedback that Governor Kate Brown would like to add. Our deadline is 6:30pm ET and if you miss the deadline, we'll try to update the piece on a timely basis.

Please see our questions listed below:

1. What is the public purpose argument to justify the Office of the Governor payments for the Oregon State Bar Dues (\$557 each payment, four payments) for employees Heidi Moawad and Gina Zejdlik in 2017 and 2016 (see statement dates 2-27-17 and 1-25-16 on Sherii Arroyo's card)? Did the Office of Governor make the same payments for Moawad and Zejdlik for their 2018 Oregon State Bar Dues? If not, why not.
2. Why are the details of campaign events redacted on the governor's official calendar posted online? https://drive.google.com/drive/folders/OBzMvBq_lbaUUX0Q1UjEzal9UczA
3. Does the governor want to make a statement regarding her use of the public credit card as secretary of state to pay for her Oregon Bar Association dues?
4. Does the governor want to make a statement regarding the 4,000 redactions on her official calendar posted online?

Best,
 Adam

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OpenTheBooks.com correspondence with Oregon Office of the Governor Spokesperson
 Chris Pair. OPENTHEBOOKS.COM

Adam Andrzejewski (say: Angie-eff-ski) is the CEO and Founder of OpenTheBooks.com – one of the largest private databases of government spending in the world.

Updated: Governor Brown's spokesperson Chris Pair emailed a list of objections to the article. Pair's objections are reproduced in full followed by my responses (Andrzejewski), complete with hyperlinks to supplemental materials.

Pair: The article says that “Oregon Governor Kate Brown spent taxpayer money on pricey yoga classes, brewery trips, movie tickets, hundreds of expensive car washes, a Canadian kayak trip, and expenses on her luxurious vacation to Palm Springs, California.” This is false. Governor Brown has not herself spent taxpayer money on these things. These are expenses filed by her Dignitary Protection Unit that operates under a budget and supervision that is independent of the Governor’s Office.

Andrzejewski: These purchases were made on official governor’s office credit cards. The Wells Fargo monthly credit card statements were sent to Shelby Campos, director of operations at the governor’s office, at the physical mailing address of the governor’s office. The statements were time/date stamped as received in the governor’s office. Review a statement here.

Pair: A prior version of the article said that she spent taxpayer money on a trip to Florida that never occurred. Public record requests and the Governor’s publicly available calendar show that Governor Brown has never been to Florida as governor and the trip was in fact taken by an aide attending a diversity and inclusion conference. (The text of the article has been changed but there is no correction noted at the bottom of the article.)

Andrzejewski: The governor went to Palm Springs, California, not Palm Beach, Florida. When we noticed the error, we immediately corrected the mistake (days ago). The correction is again noted here.

Pair: “Earlier this year, we found Brown’s office designated 52 employees as lobbyists, but disclosed zero dollars in lobbying expenditures on the official Oregon Ethics Commission website – during a 21-month period.” This is false. The Governor’s Office has never “disclosed zero dollars in lobbying expenditures.” We have disclosed lobbying expenditures, as required by law, every quarter since Governor Brown took office and has been verified by the Oregon Ethics Commission to Andrzejewski.

Andrzejewski: There is no dispute that our Open Records request forced Governor Kate Brown and the Oregon Ethics Commission to publicly reveal \$165,489 in lobbying costs. For seven straight quarters (April 2016 through December 2017), the Oregon Ethics Commission website showed \$0 spent. This was after Brown filed her official “Lobbyist Expenditure Report(s).” After each filing, the governor was given a “successful filing” receipt that showed \$0 spent on lobbying for each of the seven quarters. Review those receipts here. Furthermore, an Oregon Ethics Commission investigator admitted that Executive Director Ron Bersin was working with the governor to “amend their electronic expenditure reports...”

Pair: “Our oversight forced Brown to amend her filings, disclosing \$165,489 in payments to her lobbyists.” This is also false. We did not amend our filings nor did the Ethics Commission call on the Governor’s Office to do so.

Andrzejewski: See above. Read our entire oversight piece on the governor’s lobbying disclosures, “Ms. Ethics, Oregon Gov. Kate Brown Has 52 Lobbyists but State Website Shows \$0 Spent on Lobbying,” (published January 23, 2018 at Forbes).

Pair: “[T]he governor didn’t explain why a taxpayer-funded calendar platform is used to book, schedule, and keep track of 500 campaign events.” This is false. The state calendar is not used for these purposes. (Campaign time is blocked out on the calendar to indicate that the Governor is booked during those windows and so her security detail knows where to go.)

Andrzejewski: The governor used state employees on state time using state equipment and a taxpayer-funded calendar platform to log 500 campaign events. We didn’t speak to the purpose or reason behind her practice. However, we pointed out that it may violate her office policy that prohibits mixing state agency resources with campaign activity. Review the office policy here.

Pair: “In both cases, Brown was caught by her accounting department and forced to reimburse the state (taxpayers) for what could be considered theft of public funds.” This is false. Governor Brown was not “caught” by anyone, much less an “accounting department” (no such department exists in the Governor’s Office). Governor Brown self-reported both cases and made the reimbursements in a reasonable amount of time.

Andrzejewski: We have changed the wording to be more precise. We have replaced “caught by her accounting department and forced to reimburse” with “reimbursed.” See the revised language in the article above. Reimbursement is not mitigation of the act. Reimbursement is evidence that state statute was broken, using public credit for a private purpose.

Adam Andrzejewski (say: Angie-eff-ski) is the CEO and Founder of OpenTheBooks.com – one of the largest private databases of government spending in the world. Our mission is to post “every dime, online” of all local, state, and federal government spending at OpenTheBooks.com ... MORE