

Enforcement Committee Minutes -

October 23, 2019

PUC

201 High Street SE

Salem, OR 97301

Conference Call in: 1-646-307-1990

Members attending: Micah Brown, Mitch Burghelea, Phil Boyle and Kitty Davis.

Guests Attending: Kevin Hennessey, Jim Brenneke and Mike Hieb.

Call in: none

1. Announcements and Introductions

- a. Micah Brown called the meeting to order at 1:13 p.m. and introductions were made.
- b. Phil moved to accept the minutes from 8.1.19 and Mitch 2nd the motion. The minutes were accepted. Kitty will post on OUNC website.
- c. Chair Statement – Micah thanked those attending and stated ‘Board Members need to have a clear understanding of the relationship between the PUC and OUNC Board.’

2. Enforcement Committee Items

- a. Discuss OUNC future role pertaining to enforcement
 - i. Decide on direction for Enforcement committee-Micah provided a handout (See Attachment 1) that shows the past, current and previously proposed statement of purpose for Enforcement; discussion followed. Kevin shared the partnership; how OUNC was developed as he understood it; discussion took place surrounding how the Enforcement committee was formed and handled by previous PUC representatives of the board. Kevin stated that those members had their own agendas and it served a purpose for the relationship at that time. Kevin suggested reporting complaint summaries to the “Data” committee. Discussion followed concerning what the purpose of the Dirt committee was and that complaint data regarding OAR violations may not be appropriate there but better reported to the OAR Committee. He would like to bring quarterly data reports to the OUNC. The topic of referring complaints to OSHA was brought up by Micah and the question was asked if it was appropriate to refer complaints sent to the OUNC through the RAA process to OSHA

to enforce penalty. Micah stated that any penalties recovered must be paid back to the OUNC per legislature. Kevin shared the PUC has an Inter-Agency Agreement with OSHA and will provide a copy to Micah to review. Kevin stated the PUC has full discretion for enforcement. Micah agreed that per statute the PUC has full discretion but referring without seeking penalty under ORS from a complaint brought to the OUNC as a rule violation is not.

- ii. In closing discussions regarding committee direction, Micah mentioned that it was clear in statute what agency had the rule making power and which the enforcement power. It was discussed that before Micah, the enforcement chair had always been the PUC representative since the PUC investigated and served as the enforcement body. Micah explained that according to statute, no OUNC board resolution or executive officer could require the PUC to provide anything other than penalties recovered. Therefore requesting investigation data regarding complaints was at the PUC's discretion or any other agreed upon cooperation concerning investigations into complaints upon request, Kevin Hennessey agreed. Micah further mentioned that currently the RAA form cover page is in attention to the OUNC Enforcement chairperson. Is there a purpose for the Enforcement Committee now that the PUC Rep is no longer the chair? It was the committee's recommendation to dissolve the Enforcement Committee and either have the PUC report OAR complaint summaries to the data committee or to the OAR Committee. There is no purpose for a non-working committee.
- iii. Discuss complaints of OAR violations submitted to PUC – was not discussed.

3. Old Business- none

4. New Business – none

5. For the Good of the Order – none

6. Next Meeting - tbd

Motion to adjourn was made by Mitch and 2nd by Phil. Adjourned at 2:00 pm

Minutes submitted by Kitty Davis on October 28, 2019