

# OREGON GOVERNMENT ETHICS COMMISSION

## INVESTIGATION

**CASE NO:** 25-162PJS  
**DATE:** September 29, 2025  
**RESPONDENT:** BROWN, Irvin, City Councilor, City of Salem  
**COMPLAINANT:** HINES, Brian; LAPINEL, Elliott  
**RECOMMENDED ACTION:** Move to dismiss

1 **SYNOPSIS:** Irvin Brown is a City Councilor for the City of Salem. The complaint in this  
2 case was submitted by Brian Hines on March 12, 2025, and a similar complaint was  
3 submitted by Elliott Lapinel on March 17, 2025. The complaints allege that Irvin Brown,  
4 along with the other members of the Salem City Council, may have violated provisions of  
5 Oregon Public Meetings Law by engaging in prohibited serial communications by  
6 discussing whether Keith Stahley should be asked to resign from his position as City  
7 Manager for the City of Salem (City).

8  
9 At its June 13, 2025 meeting, the Commission considered the information presented in  
10 the preliminary review and found cause to open an investigation. In investigation,  
11 Commission staff examined the communications among the City Councilors, including  
12 Mayor Julie Hoy and Irvin Brown. Based on the evidence in this case, Irvin Brown had a  
13 conversation with Julie Hoy in January or February of 2025 about the City's leadership  
14 audit; however, the information does not indicate that he opined on the matter or  
15 discussed the resignation of City Manager Keith Stahley with Julie Hoy, nor does it  
16 appear that he deliberated on matters within the City Council's jurisdiction outside of a  
17 public meeting. Thus, the information does not indicate that Irvin Brown engaged in  
18 prohibited serial communications, in violation of ORS 192.630(1) and OAR 199-050-

1 0020(1), nor does it appear that he participated in a “meet in private” in violation of ORS  
2 192.630(2) and OAR 199-050-0015(4).

3  
4 **RELEVANT STATUTES AND ADMINISTRATIVE RULES:** The following Oregon  
5 Revised Statutes and Oregon Administrative Rules are applicable to the issues  
6 addressed herein:

7  
8 **192.610 Definitions for ORS 192.610 to 192.705.** As used in ORS 192.610 to  
9 192.705:

10 \* \* \* \* \*

11 (1) “Convening” means:

12 (a) Gathering in a physical location;

13 (b) Using electronic, video or telephonic technology to be able to communicate  
14 contemporaneously among participants;

15 (c) Using serial electronic written communication among participants; or

16 (d) Using an intermediary to communicate among participants.

17 \* \* \* \* \*

18 (3) “Deliberation” means discussion or communication that is part of a decision-  
19 making process.

20 \* \* \* \* \*

21 (7)(a) “Meeting” means the convening of a governing body of a public body for  
22 which a quorum is required in order to make a decision or to deliberate toward a  
23 decision on any matter.

24 \* \* \* \* \*

25  
26 **192.630 Meetings of governing body to be open to public; location of**  
27 **meetings; accommodation for person with disability; interpreters.**

28 (1) All meetings of the governing body of a public body shall be open to the public  
29 and all persons shall be permitted to attend any meeting except as otherwise  
30 provided by ORS 192.610 to 192.705.

31  
32 (2) A quorum of a governing body may not meet in private for the purpose of

1 deciding on or deliberating toward a decision on any matter except as otherwise  
2 provided by ORS 192.610 to 192.705.

3 \* \* \* \* \*

4  
5 **192.640 Public notice required; special notice for executive sessions or**  
6 **special or emergency meetings.**

7 (1) The governing body of a public body shall provide for and give public notice,  
8 reasonably calculated to give actual notice to interested persons including news  
9 media which have requested notice, of the time and place for holding regular  
10 meetings. The notice shall also include a list of the principal subjects anticipated  
11 to be considered at the meeting, but this requirement shall not limit the ability of a  
12 governing body to consider additional subjects.

13 \* \* \* \* \*

14  
15 **192.650 Recording or written minutes required; content; fees.**

16 (1) The governing body of a public body shall provide for the sound, video or  
17 digital recording or the taking of written minutes of all its meetings. Neither a full  
18 transcript nor a full recording of the meeting is required, except as otherwise  
19 provided by law, but the written minutes or recording must give a true reflection of  
20 the matters discussed at the meeting and the views of the participants. All minutes  
21 or recordings shall be available to the public within a reasonable time after the  
22 meeting \* \* \*.

23 \* \* \* \* \*

24  
25 **199-050-0015 Meetings Subject to the Public Meetings Law**

26 \* \* \* \* \*

27 (4) A private meeting where a quorum of a governing body engages in  
28 discussions or communications that are part of the governing body's decision-  
29 making process on matters within the authority of the governing body violates the  
30 Public Meetings Law.

31 \* \* \* \* \*

32 ///

1           **199-050-0020 Serial Communications Prohibited**

2           (1) A quorum of the members of a governing body shall not, outside of a meeting  
3           conducted in compliance with the Public Meetings Law, use a series of  
4           communications of any kind, directly or through intermediaries, for the purpose of  
5           deliberating or deciding on any matter that is within the jurisdiction of the  
6           governing body.

7  
8           (2) The prohibitions in section (1) apply to using any one or a combination of the  
9           following methods of communication:

10          (a) In-person;

11          (b) Telephone calls;

12          (c) Videos, videoconferencing, or electronic video applications;

13          (d) Written communications, including electronic written communications, such as  
14          email, texts, and other electronic applications;

15          (e) Use of one or more intermediaries to convey information among members;  
16          and

17          (f) Any other means of conveying information.

18          \* \* \* \* \*

19  
20          **INVESTIGATION:** On March 12, 2025, the Oregon Government Ethics Commission  
21          (Commission) initiated a preliminary review based on information in a signed complaint  
22          from Brian Hines, and a similar, duplicate complaint submitted by Elliott Lapinel  
23          (Complaint). The Complaint alleges that Irvin Brown, along with the other Salem City  
24          Council members, may have violated Oregon Public Meetings Law by engaging in  
25          prohibited serial communications. The Complaint states that Mayor Julie Hoy had  
26          individual conversations with a majority of the City Councilors, including Irvin Brown,  
27          discussing whether Keith Stahley should be asked to resign from his position as City  
28          Manager for the City of Salem. The Complaint asserts that the City Council did not hold a  
29          public meeting to discuss matters related to Keith Stahley's continued employment with  
30          the City, and it alleges that members of the City Council engaged in prohibited serial  
31          communications to force him to resign. (#PR1, #PR2).

32          ///

1 At its June 13, 2025 meeting, the Commission considered the information presented in  
2 the preliminary review and found cause to open an investigation. The focus of the  
3 investigation was to determine whether there was sufficient evidence to indicate whether  
4 Irvin Brown, along with the other Salem City Councilors, violated ORS 192.630(1), ORS  
5 192.630(2), ORS 192.640(1), and ORS 192.650(1), OAR 199-050-0020(1) and (2); OAR  
6 199-050-0015(4).

7

8 Keith Stahley's Resignation

9 Keith Stahley resigned from his role as City Manager on February 9, 2025, stating he  
10 was informed that a majority of City Councilors wanted him to resign. Keith Stahley's  
11 resignation letter states:

12

13 I am submitting this resignation based on a meeting that I had with Councilor  
14 Nishioka on Friday February 7, 2025, where she represented that she was the  
15 duly authorized representative of the Mayor and a majority of City Council and  
16 requested that I tender my resignation. (#PR3).

17

18 Grievances and Response

19 The Complaint included copies of the grievances submitted to the City of Salem by Elliott  
20 Lapinel on February 14, 2025 and Brian Hines on February 15, 2025, alleging violations  
21 of Oregon Public Meetings Law. (#PR1, #PR4). The City of Salem responded to both  
22 grievances with a single email on March 7, 2025. (#PR5). The City's grievance response  
23 denies that a quorum of the City Council used a series of communications to deliberate  
24 toward a decision. It states that Mayor Julie Hoy asked other City Councilors about their  
25 opinions on Keith Stahley's performance, and she expressed her concerns with the  
26 Councilors. It also states that several of the City Councilors explained to Julie Hoy that  
27 they did not have enough information to form an opinion. The grievance response  
28 asserts that Julie Hoy did not act as an intermediary, stating:

29

30 [I]n order for the Mayor to have served as an intermediary, and therefore create a  
31 serial meeting, the Mayor would have had to share information about councilor  
32 views amongst a quorum of the Council. \* \* \* [A]t no time did five councilors utilize

1 the Mayor as an intermediary to deliberate towards or make a decision related to  
2 the former City Manager’s employment with the City. Even if it is true that the  
3 Mayor informed Council President Nishioka that a majority of the councilors  
4 believed the former City Manager should consider resigning, thereby causing  
5 deliberations to occur between the Council President and the Mayor, such  
6 information would have been shared by the Mayor with only one member of the  
7 council, well below the quorum level of five or the multiple members required by  
8 the definition of intermediary. (#PR5).

9  
10 Response

11 In a written response received on April 9, 2025, Jill Gibson, legal counsel for Julie  
12 Hoy, denies that a quorum of the City Council deliberated toward, or made, a  
13 decision through serial communications. (#PR6).

14  
15 The response states that, between February 1st and February 14th, 2025, Julie  
16 Hoy reached out to each City Councilor to have one-on-one conversations about  
17 a recently completed City leadership audit. Julie Hoy “told the councilors that in  
18 light of the information in the audit, the Council may need to ask for [Keith  
19 Stahley’s] resignation.” The response states that Julie Hoy did not share City  
20 Councilors’ feelings about Keith Stahley with other Councilors, and she did not  
21 ask how the individual Councilors would vote. The response states that Julie  
22 Hoy’s conversations with the other City Councilors were purely factual in nature,  
23 sharing information about the audit and Keith Stahley’s performance, and telling  
24 them that they would “need to address this issue” at a public meeting. The  
25 response denies that Julie Hoy told Councilor Nishioka that a majority of City  
26 Councilors wanted Keith Stahley to resign, and states that Keith Stahley was  
27 never asked to resign. The response states that Councilor Nishioka went to Keith  
28 Stahley on her own accord, and she let him know the City Council “would be  
29 looking into the matter” of his work performance. The response states that after  
30 this conversation with Councilor Nishioka, Keith Stahley chose to resign. (#PR6).

31 ///

32 ///

1 Salem City Attorney Statement

2 On February 15, 2025 the City of Salem released a statement from City Attorney Dan  
3 Atchison concerning Keith Stahley’s resignation. Dan Atchison states that prior to Mayor  
4 Julie Hoy’s individual communications with members of City Council concerning Keith  
5 Stahley’s performance and potential separation from the City, she consulted with him,  
6 and he advised her that one-on-one conversations with City Council members would not  
7 violate Oregon Public Meetings Law. (#PR7).

8  
9 Dan Atchison states that even though Councilor Nishioka spoke on the phone with  
10 Mayor Hoy, Councilor Nishioka never claimed to be the City Council’s “duly authorized  
11 representative” or implied that she was speaking on behalf of the City Council when she  
12 asked Keith Stahley if he would consider resigning. Dan Atchison emphasizes that Keith  
13 Stahley was only eligible for severance benefits if the City Council asked him to resign,  
14 or if he was terminated. Dan Atchison states, “Stahley used that exact language  
15 apparently because it was consistent with the language in his employment agreement  
16 concerning his eligibility for severance, not because Nishioka ever uttered those words.”  
17 (#PR7).

18

19 Communications

20 In a text message sent to Councilor Micki Varney, Councilor Linda Nishioka stated that,  
21 prior to speaking with Keith Stahley, Julie Hoy told her that a majority of the City Council  
22 was in favor of his resignation. Linda Nishioka stated she asked City Attorney Dan  
23 Atchison if she could verify with the other City Councilors whether they, in fact, wanted  
24 Keith Stahley to resign, but she was told not to contact other City Councilors. Councilor  
25 Nishioka added that she had received “calls from other [City C]ouncilors and it seems  
26 that Julie [Hoy] said the same thing to everyone. The majority of the [C]ouncilors wanted  
27 Keith [Stahley] to resign.” (#PR8).

28

29 In a text message to Deputy City Manager Krishna Namburi on February 10, 2025, Linda  
30 Nishioka stated that Julie Hoy told her that all City Councilors, with the exception of  
31 Councilor Vanessa Nordyke, wanted Keith Stahley to resign. (#PR9).

32 ///

1 February 10, 2025 Executive Session

2 During an executive session meeting held on February 10, 2025, several City Councilors  
3 expressed concerns with a lack of transparency in what one City Councilor identified as  
4 a “behind the scenes decision” to ask Keith Stahley to resign. Mayor Hoy explained that  
5 she “touched base” with each of the City Councilors to have a “dialogue” about the  
6 current state of the city manager position. Mayor Hoy stated that she “did not have these  
7 conversations to count votes,” and she did not ask anyone to advise Keith Stahley to  
8 resign. (#PR10).

9

10 Timeline of Communications

11 ➤ *Prior to February 1, 2025*

12 Moss Adams conducts an audit of City leadership for the City of Salem. The leadership  
13 audit report remains in draft form until February 11, 2025. (#IR1).

14

15 ➤ *Between February 1, 2025 and February 6, 2025*

16 Julie Hoy individually contacts each City Councilor to have conversations about the  
17 City’s leadership audit and Keith Stahley’s continued employment with the City. (#IR2).

18

19 ➤ *February 1, 2025 (Saturday) - **Hoy/Nishioka***

20 Julie Hoy calls Linda Nishioka but is unable to connect. She continues with daily  
21 attempts to contact her for about a week. (#IR2).

22

23 ➤ *Between February 1, 2025 and February 6, 2025 - **Hoy/Gwyn***

24 Julie Hoy speaks with Deanna Gwyn over the phone, stating that there have been  
25 conversations about Keith Stahley’s future with the City, and he might be tendering his  
26 resignation. Gwyn expresses her surprise but does not give her opinion on the matter.  
27 (#IR5).

28

29 ➤ *Between February 1, 2025 and February 6, 2025 - **Hoy/Matthews***

30 Julie Hoy has a conversation with Shane Matthews about the leadership audit and Keith

1 Stahley's resignation. Hoy informs Matthews that she is speaking with the other  
2 Councilors. Matthews tells Hoy that he did not have enough time to form an opinion.  
3 (#IR6).

4  
5 ➤ *Between February 1, 2025 and February 6, 2025 - Hoy/Brown*

6 Julie Hoy states that she has a conversation with Irvin Brown to speak about the  
7 leadership audit and Keith Stahley's performance as City Manager. (#IR2). Brown does  
8 not recall the conversation but remembers a conversation with Hoy about the audit at the  
9 beginning of January. (#IR7).

10  
11 ➤ *February 1, 2025 (Saturday) - Hoy/Tigan*

12 Julie Hoy calls Paul Tigan asking questions about the leadership audit, and states that it  
13 may be time for Keith Stahley to go. Paul Tigan states that he did not read the audit yet  
14 because it was still in draft form, and he had not yet formed an opinion. Julie Hoy told  
15 Paul Tigan that she was not asking for him to make a decision or how to vote on the  
16 matter. (#IR2, #IR3, #IR20).

17  
18 ➤ *February 2, 2025 (Sunday) - Hoy/Varney*

19 Julie Hoy speaks with Micki Varney over the phone, asking about her impression of the  
20 leadership audit, and given the information in the report, she asked about how Varney  
21 felt. Varney asked Hoy if Keith Stahley's employment should be terminated as a result of  
22 the audit, and Varney said the document raised lots of concerns the City Councilors  
23 should have the opportunity to discuss when the final version is released. Varney told  
24 Hoy she needed more information before she could make a final decision about Stahley,  
25 and she mentioned placing Stahley on administrative leave while the Council worked  
26 toward resolving the issues. (#IR4).

27  
28 ➤ *February 3, 2025 (Monday) - Hoy/Nordyke*

29 Julie Hoy speaks with Vanessa Nordyke in-person in Hoy's office. Hoy expresses  
30 concerns about Keith Stahley's performance and the leadership audit, and she states

1 that she wants him to resign. Nordyke states that she did not believe there was sufficient  
2 basis to ask Stahley to resign, or that this discipline was warranted, and she suggests  
3 postponing any action until after the levy election. Nordyke states that Hoy told her the  
4 conversation would stay between the two of them, and she did not know that Hoy was  
5 going to share the confidential conversation with other Councilors. (#IR8, #IR19).

6

7 ➤ *February 3, 2025 (Monday) - Tigan/Nishioka*

8 Paul Tigan speaks with Linda Nishioka over the phone, informing her that he spoke with  
9 Julie Hoy about the leadership audit and Hoy wanted Stahley to go. Nishioka asks Tigan  
10 for his thoughts and he states that he did not have an opinion but acknowledges it is  
11 poor timing. (#IR3).

12

13 ➤ *February 5, 2025 (Wednesday) - Hoy/Nishioka*

14 Julie Hoy and Linda Nishioka exchange texts about setting up a phone call. (#IR9).

15

16 ➤ *February 6, 2025 (Thursday) - Hoy/Nishioka*

17 Linda Nishioka speaks to Julie Hoy over the phone. They talk about the leadership audit  
18 and Hoy informs Nishioka that a majority of the City Councilors wanted Keith Stahley to  
19 resign. (#IR9, #IR10).

20

21 ➤ *Either February 5, 2025 or February 6, 2025*

22 Linda Nishioka speaks with City Attorney Dan Atchison, asking if she can contact the  
23 other City Councilors to verify that they want Keith Stahley to resign. Atchison tells  
24 Nishioka not to contact the other Councilors and he tells her not to use the term  
25 “majority.” He tells her to use the term “general consensus” instead. (#IR11).

26

27 ➤ *February 7, 2025 (Friday)*

28 Linda Nishioka meets with Keith Stahley and asks him to consider submitting a letter of  
29 resignation. Nishioka states that she wanted to inform Stahley what she was told by Hoy  
30 - that a majority of the Council wanted him to resign. Nishioka suggests that Stahley

1 speaks with his family about the matter. (#IR12).

2

3 ➤ *February 9, 2025 (Sunday)*

4 Keith Stahley submits his resignation letter which states that Linda Nishioka “represented  
5 that she was the duly authorized representative of the Mayor and a majority of the City  
6 Council and requested that I tender my resignation.” (#PR3).

7

8 ➤ *February 10, 2025 (Monday) - **Nishioka/Varney***

9 Linda Nishioka and Micki Varney exchange text messages about Keith Stahley’s  
10 resignation and the way that it occurred. They discuss the possibility of placing Stahley  
11 on administrative leave and conducting an investigation. They talk about how the  
12 situation may put the levy in jeopardy and they suggest filing a lawsuit against Hoy.  
13 (#IR11).

14

15 ➤ *February 10, 2025 (Monday) - **Varney/Matthews***

16 Micki Varney states in a text message to Linda Nishioka that she received feedback from  
17 Shane Matthews. She states that he was surprised about Keith Stahley’s resignation and  
18 how it occurred. Varney states that it was a brief conversation about “[w]hat is going on?”  
19 (#IR11, #IR18).

20

21 ➤ *February 10, 2025 (Monday) - **Nordyke/Nishioka***

22 Vanessa Nordyke and Linda Nishioka exchange text messages. Nordyke asks Nishioka  
23 why she did not contact her to ask for her position on Keith Stahley. Nishioka said that  
24 Hoy pushed her and legal counsel advised that she couldn’t check for votes. Nordyke  
25 states that they should have had an executive session to discuss the matter and she  
26 states that she does not support the decision. (#IR13).

27

28 ➤ *February 10, 2025 (Monday) - **Varney/Nordyke***

29 Vanessa Nordyke sends a text message to Micki Varney asking about how she felt about  
30 Keith Stahley’s resignation letter. They arrange a phone call for 3:00 pm. Varney states

1 that she does not recall a phone call; however, she remembered speaking to Nordyke  
2 prior to the February 10th executive session, and Nordyke told her what she was going  
3 to do in the executive session. Nordyke recalls a phone call with Varney where she  
4 stated she was going to ask the other Councilors for their opinions in the upcoming  
5 executive session. They describe being “caught off guard” by Stahley’s resignation.  
6 (#IR21, #IR18, #IR19).

7

8 ➤ *February 10, 2025 (Monday)*

9 The Salem City Council holds a public meeting. At the meeting, the City Council  
10 accepted the resignation of City Manager Keith Stahley. (#IR14).

11

12 ➤ *February 11, 2025 (Tuesday) - **Varney/Brown***

13 Micki Varney states in a text message to Linda Nishioka that she plans to speak with  
14 Irvin Brown that night, to get his opinion. Varney stated that she reached out to Councilor  
15 Brown a few days after the February 10th executive session and asked him about his  
16 conversations with Julie Hoy. Brown told Varney that “he hadn’t talked to her.” (#IR11,  
17 #IR18).

18

19 ➤ *February 11, 2025 (Tuesday) - **Nishioka/Gwyn***

20 Linda Nishioka states in a text message to Micki Varney that she received a call from  
21 Deanna Gwyn. Gwyn told Nishioka that she had been trolling social media where people  
22 were accusing Nishioka of wrongdoing. Varney states that Gwyn mentioned that she had  
23 a conversation with Hoy and was led to believe that other calls had been made, and that  
24 a majority of the Council had agreed with Stahley’s departure. (#IR11, #IR18).

25

26 ➤ *February 11, 2025 (Tuesday) - **Nishioka/Varney***

27 Linda Nishioka exchanges text messages with Micki Varney stating that a majority of the  
28 councilors wanted Keith Stahley to resign. Nishioka states that Hoy lied and  
29 manipulated. (#IR11).

30 ///

1       ➤ *February 11, 2025 (Tuesday) - Nordyke/Nishioka*

2 Linda Nishioka sends a text message to Vanessa Nordyke asking about filing a lawsuit  
3 against Hoy. Nordyke states that there are no grounds for a lawsuit and she states that  
4 they should be concentrating on the levy. (#IR15).

5

6       ➤ *February 12, 2025 (Wednesday) - Varney/Nishioka*

7 Micki Varney drafts a response letter for the City Councilors to consider and sends the  
8 draft to Linda Nishioka via text message. The letter says that the City Council was  
9 surprised by what had occurred and suggests conducting an investigation instead.  
10 Nishioka says the letter was well written, and they discuss who could serve as acting city  
11 manager. Varney said she was contacting Tigan and Nordyke to send them drafts of the  
12 letter. Nishioka says she asked Atchinson and Krishna (acting city manager) to create a  
13 statement. They talk about if it is necessary to pursue investigation because it could  
14 jeopardize Stahley's separation agreement. They suggest setting up an executive  
15 session to discuss the matters. Varney tells Nishioka that she shared the draft letter with  
16 Paul Tigan and states that he was not supportive. (#IR11).

17

18       ➤ *February 12, 2025 (Wednesday) - Varney/Tigan*

19 Micki Varney exchanges text messages with Paul Tigan, and she sends him a copy of  
20 the draft letter for his consideration. Tigan states that the letter will dig them into a  
21 deeper hole and undercuts the premise of Keith Stahley's resignation and severance.  
22 Varney asks for suggestions and states her concern is that Hoy will demand Nishioka's  
23 resignation. Varney discusses how the situation is not good for the levy. Tigan states that  
24 he needs to think about it, and he wants to seek advice from the City attorney before  
25 releasing a public statement. (#IR16).

26

27       ➤ *February 14, 2025 (Friday) - Varney/Nishioka*

28 Micki Varney exchanges text messages with Linda Nishioka about scheduling an  
29 executive session to discuss city manager issues and to seek advice from the City  
30 attorney. Varney states that she reached out to Paul Tigan to let him know that she is

1 ready to talk when he is, and states that she wants to know his position on the budget,  
2 levy, and the Keith Stahley situation. (#IR17).

3  
4 **CONCLUSIONS:** During the relevant period, Irvin Brown was a City Councilor for the City  
5 of Salem. The City is a public body, and the City Council is its governing body. [ORS  
6 192.610(5) and (6)]. As a member of the governing body of a public body, Irvin Brown  
7 was required to comply with the provisions of Oregon Public Meetings law found in ORS  
8 192.610 to ORS 192.705.

9  
10 As the Oregon Supreme Court has indicated, there are two separate ways a governing  
11 body may violate the public meetings law when they conduct activities outside of public  
12 view. [*TriMet v. ATU*, 362 Or 484 (2018)]. The first is by “convening” a “meeting” without  
13 complying with the Public Meetings Law requirements. The second is by conducting a  
14 “meet in private” “for the purpose of deciding on or deliberating toward a decision on any  
15 matter.”

16  
17 **Convened a “Meeting” Without Complying with PML Requirements (Notice, Minutes, Etc.)**

18 To determine if a governing body convened a meeting, we ask four questions: (1) was a  
19 quorum of the body involved; (2) did the body “convene” in the ways identified under the  
20 statutory definition of “convening;”(3) did the body decide, deliberate, discuss, or gather  
21 information; and (4) was the topic within the body’s jurisdiction?

22  
23 The Salem City Council consists of nine members. [Salem Charter, Section 7]. The  
24 Charter requires “the express concurrence of a majority of the council members present  
25 and constituting a quorum is necessary to decide affirmatively a question before the  
26 council.” [Salem Charter, Section 18]. Therefore, five members of the Salem Council  
27 constitute a quorum. [OAR 199-050-0005(9)]. In this circumstance, the series of  
28 communications and conversations involved Mayor Hoy, Councilor Nishioka, Councilor  
29 Gwyn, Councilor Matthews, Councilor Brown, Councilor Tigan, Councilor Varney,  
30 Councilor Nordyke. The communications involving more than five, there is a quorum  
31 involved.

32 ///

1 The next question is whether there was a “convening.” As noted above, ORS 192.610(1)  
2 defines convening as including “using serial electronic written communication among  
3 participants” and “using an intermediary to communicate among participants.” Mayor Hoy  
4 communicated between herself, Councilor Gwynn, Councilor Matthews, Councilor  
5 Brown, Councilor Tigan, Councilor Varney, Councilor Nishioka, and Councilor Nordyke,  
6 to discuss leadership audit and Keith Stahley’s performance as City Manager. The  
7 evidence suggests that a quorum of the Council met through Mayor Hoy, the Chair of the  
8 Council, as an intermediary. Additionally, under the Salem City Charter and Salem  
9 Council Rules, the Mayor is the presiding officer and is to “preside over deliberations of  
10 the council” and “preside at all meetings.”[Salem Charter, Section 16; Salem Council  
11 Rules, Section 2(1)]. Meetings may be called by the presiding officer. Salem Council  
12 Rules, Section 4]. The evidence indicates that the individual with power to call Salem  
13 City Council meetings and preside over them “convened” a meeting through use of  
14 herself as an intermediary to speak individually with each Councilor. Therefore, the  
15 evidence establishes the Salem City Council “convened” as provided in ORS 192.510(1).

16  
17 The City issued a press release stating “Mayor Julie Hoy had individual communications  
18 with different members of City Council concerning Keith Stahley's performance and  
19 potential separation from the City.” [#PR7]. Jill Gibson, the attorney for Mayor Hoy sent an  
20 email that contained first-person responses by Mayor Hoy to Investigator Sullivan’s  
21 questions. [#IR2]. Mayor Hoy stated when asked which Councilor she spoke to she stated  
22 “All, Tigan, Nishioka, Matthews, Gwynn, Brown, Nordyke and Varney.” [#IR2]. She stated  
23 she had these conversations between February 1 and February 6. [#IR2]. She stated: “I  
24 had the same basic message in each conversation with each councilor. The CMO’s audit,  
25 completed in April 2024 by consultants at Moss Adams, had not yet been brought to  
26 council, and was not favorable for Keith. Staff has nowhere to go but to us for help with  
27 this. It may be that at some point I have to sit down with Keith, then City Manager, and  
28 ask for his resignation. I am not calling to count votes. I cannot do that. I am simply calling  
29 to make you aware that this is a possibility and we’ve got some work to do in this regard.”  
30 [#IR2].

31 ///

1 The next question is whether the body decided, deliberated, discussed, or gathered  
2 information. As noted, “decide” means to means “any determination, action, vote or final  
3 disposition upon a motion, proposal, resolution, order, ordinance or measure on which a  
4 vote of a governing body is required, at any meeting at which a quorum is present.” [ORS  
5 192.610(2)]. “Deliberation” means discussion or communication that is part of a decision-  
6 making process. [ORS 192.610(3)]. “Communicate” means the act of a person expressing  
7 or transmitting information to another person through verbal, non-verbal, written, or  
8 electronic means. Non-verbal means include gestures, such as thumbs-up and thumbs-  
9 down, as well as sign language. [OAR 199-050-0005(1)]. “Communication” means the  
10 expression or transmission of information from one person to another through verbal,  
11 non-verbal, written, or electronic means. Non-verbal means include gestures, such as  
12 thumbs-up and thumbs-down, as well as sign language. [OAR 199-050-0005(2)].  
13 Discussion means “consideration or debate of the matter.” [OAR 199-050-0005(6)].

14  
15 In this instance, the Mayor and Councilors were deliberating, that is discussing or  
16 communicating, about the performance of the city manager and whether to fire him or  
17 request his resignation. These conversations involved each member of the City Council  
18 and were conducted by the Mayor as the Chair of the City Council with express authority  
19 to both call meetings and preside over them. At the very least a quorum deliberated.

20  
21 In addition, it appears a quorum also decided to request the resignation of the City  
22 Manager. In this instance, the communications were coordinated and orchestrated to  
23 avoid deliberating and deciding in public. As stated by Councilor Nishioka, “Mayor Julie  
24 Hoy told [Councilor Nishioka] that a majority of councilors believe Mr. Stahley should  
25 consider resigning.” [#IR12, #PR5]. This was also stated by Councilor Nishioka to other  
26 Councilors in text messages, where she states that “[Mayor Hoy] is the one that said all  
27 Councilors with the exception of Vanessa wanted him to resign.” [#PR9] The Mayor  
28 admits she spoke to every Councilor about the matter through one-on-one conversations.  
29 Mayor Hoy then communicated the results of her conversations that a majority wanted the  
30 City Manager to resign and communicated that to Councilor Nishioka. [#PR9, #IR2,  
31 #IR10]. The two then had a discussion about who should deliver the message to the City  
32 Manager [#PR9, #IR2, #IR10]. Councilor Nishioka then communicated that to the City

1 Manager in an attempt to have him resign. [#IR12, #PR5, #IR10]. Councilor Nishioka  
2 stated that she knew the performance audit would be presented at a public meeting  
3 where a motion regarding the City Manager could occur. [#PR10]. Councilor Nishioka  
4 stated that to avoid a contentious public meeting, she met with the City Manager to ask  
5 the City Manager to consider resigning. [#PR10]. This is further supported by the City  
6 Manager's resignation letter, where he stated, "I am submitting this resignation based on  
7 a meeting that I had with Councilor Nishioka on Friday February 7, 2025, where she  
8 represented that she was the duly authorized representative of the Mayor and a majority  
9 of the City Council and requested that I tender my resignation." [#PR3]. There is evidence  
10 that a quorum of the Council decided to request the resignation of the City Manager, that  
11 request was communicated by Councilor Nishioka, and the City Manager acknowledged  
12 in his resignation letter that the request for him to resign came from a majority of Council.

13  
14 Additionally, the communications and deliberations by the Councilors did not end when  
15 the City Manager submitted his resignation letter. From February 10th to February 14th,  
16 Councilors communicated by phone and by text, and in doing so, some of them continued  
17 their deliberations about Keith Stahley's resignation, including whether to conduct an  
18 investigation and place him on administrative leave instead of accepting his resignation.  
19 [#IR11, #IR13, #IR16, #IR18, #IR19]. These additional communications were an  
20 extension of the Council's deliberations and decisions on the performance of the City  
21 Manager. It does not appear, however, that Irvin Brown participated in these additional  
22 communications.

23  
24 The Mayor stated during an executive session that the purpose of her individual  
25 conversation with each Councilor was to discuss the performance of the City Manager  
26 and begin a dialogue among the Council. [#PR10].

27  
28 Finally, the last question is whether the topic of the decision, deliberation, discussion, or  
29 information gathering was within the governing body's jurisdiction. In this case, the matter  
30 of the City Manager's performance is within the Salem City Council's jurisdiction. [Salem  
31 Charter, Sections 11 and 23].

32 ///

1 The foregoing establishes that the Council “convened” a “meeting.” As a result, the  
2 Council was required to comply with the notice, meeting minutes or recordings, and other  
3 requirements of the Public Meetings Law. The Council did not do so in this instance. As a  
4 result, the Council violated ORS 192.610(1).

5  
6 Meet in Private

7 Public Meetings Law also provides that “[a] quorum of a governing body may not meet in  
8 private for the purpose of deciding on or deliberating toward a decision on any matter...”  
9 [ORS 192.630(2)]. “The legislature intended the broad language of ORS 192.630(2)  
10 (‘may not meet in private’) to reach some decision-making of a governing body that does  
11 not occur in a ‘meeting.’” [*TriMet v. ATU*, 362 Or 484, 497 (2018)]. OAR 199-050-0015(4)  
12 further explains that “[a] private meeting where a quorum of a governing body engages in  
13 discussions or communications that are part of the governing body’s decision-making  
14 process on matters within the authority of the governing body violates the Public  
15 Meetings Law.” [See e.g., *Handy v. Lane County*, 274 Or App 644, 664-665 (2015) *aff’d*  
16 *in part and rev in part on other grounds*, 360 Or 605 (2016), (Under a “meet in private”  
17 “the determinative factors are whether a sufficient number of officials are involved, what  
18 they discuss, and the purpose for which they discuss it—not the time, place, or manner  
19 of their communications.”)].

20  
21 To violate the “meet in private” provisions of ORS 192.630(2), it must involve: (1) a  
22 quorum; (2) they must meet in private; and (3) it must be “for the purpose of deliberating  
23 or deciding” a matter. To establish the last element, there must be some evidence of  
24 coordination, orchestration, or other indicia of a “purpose” by a quorum to deliberate or  
25 decide out of the public eye. [ORS 192.630(2); see also, *Handy v. Lane County*, 274 Or  
26 App 644, 666 (2015) *aff’d in part and rev in part on other grounds*, 360 Or 605 (2016)].

27  
28 As noted above, a quorum of the Salem City Council was involved in the series of  
29 communications. The “meet” did not occur in public, but through private conversations.  
30 Therefore, the first two elements are present. The last question is to determine if there is  
31 an indicia of purpose such as coordination or orchestration.

32 ///

1 Under the Salem City Charter and Salem Council Rules, the Mayor is the presiding  
2 officer and is to “preside over deliberations of the council” and “preside at all meetings.”  
3 [Salem Charter, Section 16; Salem Council Rules, Section 2(1)]. Meetings may be called  
4 by the presiding officer. Salem Council Rules, Section 4.

5  
6 In this instance, the communications were coordinated and orchestrated to avoid  
7 deliberating and deciding in public. As stated by Councilor Nishioka, “Mayor Julie Hoy told  
8 [Councilor Nishioka] that a majority of councilors believe Mr. Stahley should consider  
9 resigning.” [#IR12, #IR10, #PR5]. The Mayor admits she spoke to every Councilor about  
10 the matter through one-on-one conversations. [#IR12, #PR5]. The Mayor then  
11 communicated the results of her conversation with each Councilor to Councilor Nishioka.  
12 [#IR12, #IR10, #PR5]. Councilor Nishioka then communicated that to the City Manager in  
13 an attempt to have him resign. [#IR12, #IR10, #PR5]. Councilor Nishioka indicated she  
14 knew the performance audit would be presented at a public meeting where a motion  
15 regarding the City Manager could occur. [#PR10]. Councilor Nishioka indicated that to  
16 avoid a contentious public meeting, she met with the City Manager to ask the City  
17 Manager to consider resigning. [#PR10]. The City Manager in his resignation letter stated,  
18 “I am submitting this resignation based on a meeting that I had with Councilor Nishioka on  
19 Friday February 7, 2025, where she represented that she was the duly authorized  
20 representative of the Mayor and a majority of the City Council and requested that I tender  
21 my resignation.” [#PR3]. The evidence establishes that a quorum of the Council  
22 coordinated communications to acquire the resignation of the City Manager and that this  
23 coordination occurred outside of a public meeting.

24  
25 On this record, it appears that a majority of the Salem City Council, including Mayor Hoy,  
26 at least “deliberated” and gathered information in a series of telephone calls and emails  
27 over the course of several days, toward a decision to request the City Manager resign.  
28 The private communications amongst the quorum of the Salem City Council from  
29 February 1st through February 7th was for the purpose of deliberating or deciding on a  
30 matter within the Council’s jurisdiction; thus, the communications constitute a “meet in  
31 private” in violation of ORS 192.630(2).

32 ///

1 *Irvin Brown's Participation*

2 Irving Brown was not an active participant in the above-referenced communications.  
3 Julie Hoy stated that she had a conversation with Irvin Brown to speak about the  
4 leadership audit and Keith Stahley's performance as City Manager sometime between  
5 February 1st and February 6th. [#IR2]. Irvin Brown does not recall a conversation with  
6 Julie Hoy at the beginning of February, but he remembered a conversation with her  
7 about the leadership audit at the beginning of January. Irvin Brown stated that he did not  
8 give his opinion about Keith Stahley's employment or resignation during this  
9 conversation. [#IR7]. Separately, on February 11, 2025 Micki Varney stated in a text  
10 message to Linda Nishioka that she planned to speak with Irvin Brown that night, to get  
11 his opinion on Keith Stahley's resignation. Micki Varney stated that when she spoke to  
12 Irvin Brown about his communications with Julie Hoy, he told her that "he hadn't talked to  
13 her." [#IR11, #IR18].

14  
15 The communications among the City Councilors constitute a quorum of a governing body  
16 engaging discussions or communications that are part of the governing body's decision-  
17 making process on matters within the authority of the governing body; however, in Irvin  
18 Brown's case, it does not appear that he participated in the unauthorized deliberations  
19 when the Salem City Council conducted a "meet in private." Thus, it does not appear that  
20 he violated ORS 192.630(2) or OAR 199-050-0015(4).

21  
22 Prohibited Serial Communications

23 The information available indicates that between February 1, 2025 and February 6,  
24 2025, Mayor Julie Hoy had a series of individual conversations with a majority of the City  
25 Council through text messages, phone calls, and in-person meetings. These  
26 conversations included discussions of the City's leadership audit, City Manager Keith  
27 Stahley's performance, and his continued employment with the City—each of which is a  
28 topic within the jurisdiction of the City Council. During these conversations, Julie Hoy  
29 was gathering information from City Councilors that could be used by the City Council to  
30 make a decision about Keith Stahley's ongoing employment with the City. Julie Hoy  
31 weighed this information and determined that a majority of the City Council was in favor  
32 of Keith Stahley's resignation. Julie Hoy then shared this determination with multiple

1 members of the City Council, including Council President Linda Nishioka. Finally,  
2 following her receipt of this information, Council President Nishioka informed Keith  
3 Stahley that a majority of City Councilors wanted him to resign, before asking him to  
4 consider submitting a letter of resignation. By discussing Keith Stahley's performance  
5 and his possible resignation with multiple City Councilors, and by telling multiple City  
6 Councilors, including Council President Nishioka, that a majority of other City Councilors  
7 wanted Keith Stahley to resign, Julie Hoy acted as an intermediary through whom the  
8 City Council convened through in violation of the requirements of public meetings law.

9  
10 The evidence in this case indicates that the communications Julie Hoy had with City  
11 Councilors do not fall within the exceptions set forth in ORS 192.690(1)(m). The  
12 communications were not "purely factual" and instead conveyed deliberation or decisions  
13 that "might reasonably come before the governing body." At the time the communications  
14 were made, it was reasonably foreseen that the matter of the City Manager's  
15 performance could come before the governing body for deliberation and decision.  
16 Finally, the communications were substantive. Therefore, it is also clear that the  
17 communications are not exempt under ORS 192.690(1)(m) and are subject to the  
18 requirements of Public Meetings Law.

19  
20 The City's grievance response states that Julie Hoy did not act as an intermediary  
21 because she only shared City Councilor views with one other member of City Council,  
22 Linda Nishioka, and she did not share Councilor views amongst a quorum of the City  
23 Council. Despite this contention, the evidence establishes that Julie Hoy shared City  
24 Councilor views with multiple members of City Council.

25  
26 More importantly, even if Julie Hoy only shared City Councilor views with Council  
27 President Nishioka, she still had private conversations with a quorum of governing body  
28 members to deliberate toward a decision within the City's jurisdiction. A person acts as an  
29 intermediary when they facilitate communications about a matter from one governing  
30 body member to other governing body members. On each occasion Julie Hoy  
31 communicated with individual City Councilors to share her concerns about Keith Stahley,  
32 and to ask about their positions on his performance, information was shared between

1 members of the City Council, and this information was related to a decision within the  
2 jurisdiction of the City Council. These discussions about Keith Stahley’s performance and  
3 possible resignation were part of the City Council’s decision-making process. And,  
4 indeed, these discussions culminated in the City Council President having a conversation  
5 with Keith Stahley that resulted in Keith Stahley submitting a resignation letter. This series  
6 of communications constitutes a “meeting,” as a quorum of City Councilors were  
7 “convening” through Julie Hoy as an intermediary in order to deliberate toward a decision.  
8

9 The information does not indicate that Irvin Brown participated in the deliberations with  
10 any substantive communications. When Mayor Hoy called, either in January or February,  
11 he expressed no opinion, and when Councilor Varney spoke with him on February 11<sup>th</sup>,  
12 he did not recall speaking with Mayor Hoy. The available information does not support  
13 finding that Irvin Brown participated in the prohibited serial communications or meet in  
14 private with the other Councilors. Thus, it does not appear that he violated ORS  
15 192.630(1) or OAR 199-050-0020(1).  
16

#### 17 Public Notice and Meeting Minutes

18 ORS 192.640(1) requires governing bodies to provide public notice of meetings. When  
19 the City Council convened through an intermediary outside of public meetings, they did  
20 not publicly notice these meetings or make them accessible to the public.  
21

22 ORS 192.650(1) requires governing bodies to keep minutes or a recording of all  
23 meetings. The Salem City Council did not provide for the sound, video or digital recording  
24 or the taking of written minutes of all its meetings when they convened through an  
25 intermediary outside of a public meeting.  
26

27 While each member of a governing body is responsible when a governing body fails to  
28 satisfy the notice requirements in ORS 192.640(1) and the minutes/recording  
29 requirements in ORS 192.650(1), because the violations of these two statutes result from  
30 a convened meeting or meet in private in which he did not substantively participate, Irvin  
31 Brown did not violate ORS 192.640(1) or ORS 192.650(1).  
32

///

1 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should find that  
2 there is not a preponderance of the evidence in this case to establish that Irvin Brown  
3 violated ORS 192.630(1), ORS 192.630(2), ORS 192.640(1) and ORS 192.650(1) and  
4 order that the case against him be dismissed. [Motion 7].

5 ///

6 ///

7 ///

8 **ASSOCIATED DOCUMENTS:**

- 9 #PR1 Blog PDF Complaint submitted 3/12/2025
- 10 #PR2 Elliott Lapinel Complaint submitted 3/17/2025
- 11 #PR3 Stahley Resignation Letter dated 2/9/2025
- 12 #PR4 Lapinel Grievance on 2/14/2025
- 13 #PR5 Salem Grievance Response to Both Complaints on 3/7/2025
- 14 #PR6 Julie Hoy Response received 4/9/2025
- 15 #PR7 Salem City Attorney's Statement on 2/15/2025
- 16 #PR8 Varney\_Nishioka Text Messages received 3/24/25
- 17 #PR9 Nishioka\_Namburi Text Messages received 3/24/2025
- 18 #PR10 Executive Session Meeting on 2/10/2025
- 19 #IR1 Leadership Audit 2024
- 20 #IR2 Email from Jill Gibson received 9/5/2025
- 21 #IR3 Paul Tigan Statement on 3/21/2025
- 22 #IR4 Micki Varney Statement on 3/28/2025
- 23 #IR5 Deanna Gwyn Statement on 3/26/2025
- 24 #IR6 Shane Matthews Statement on 4/8/2025
- 25 #IR7 Irvin Brown Statement on 3/20/2025
- 26 #IR8 Vanessa Nordyke Statement on 3/21/2025
- 27 #IR9 Nishioka's Initial Communication received 3/20/2025
- 28 #IR10 Linda Nishioka Statement on 3/21/2025
- 29 #IR11 Varney\_Nishioka Text Messages 2/5/2025
- 30 #IR12 Final Press Release Statement from Nishioka on 2/15/2025
- 31 #IR13 Nordyke\_Nishioka 2 on 2/10/2025
- 32 #IR14 Minutes of Salem City Council Meeting on 2/10/2025

- 1 #IR15 Nordyke\_Nishioka Messages on 2/11/2025
- 2 #IR16 Varney\_Tigan Text Messages on 2/12/2025
- 3 #IR17 Nishioka\_Varney Messages on 2/14/2025
- 4 #IR18 Micki Varney Statement response on 9/19/2025
- 5 #IR19 Vanessa Nordyke Statement Response on 9/22/2025
- 6 #IR20 Paul Tigan Statement Response on 9/23/2025
- 7 #IR21 Varney\_Nordyke on 2/10/2025

PREPARED BY *Joshua Sullivan*  
Josh Sullivan  
Investigator

9/29/2025  
Date

APPROVED BY *Susan V. Myers*  
Susan V. Myers  
Executive Director

9/29/2025  
Date

REVIEWED BY Via Email  
Sean T. Brady  
Senior Assistant Attorney General

9/29/2025  
Date