

OREGON GOVERNMENT ETHICS COMMISSION

INVESTIGATION

CASE NO: 25-165PJS
DATE: September 29, 2025
RESPONDENT: MATTHEWS, Shane, City Councilor, City of Salem
COMPLAINANT: HINES, Brian; LAPINEL, Elliott
RECOMMENDED ACTION: Move to dismiss

1 **SYNOPSIS:** Shane Matthews is a City Councilor for the City of Salem. The complaint in
2 this 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 Shane
4 Matthews, along with the other members of the Salem City Council, may have violated
5 provisions of Oregon Public Meetings Law by engaging in prohibited serial
6 communication by discussing whether Keith Stahley should be asked to resign from his
7 position as City 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 Shane Matthews. Based on the evidence in this case, Shane
13 Matthews had a conversation with Julie Hoy between February 1st and February 6th
14 2025. During this conversation Mayor Julie Hoy informed Shane Matthews that she was
15 contacting other City Councilors about the City's leadership audit and Keith Stahley's
16 resignation; however, the information does not indicate that he opined on the matter or
17 discussed the resignation of City Manager Keith Stahley with Julie Hoy, nor does it
18 appear that he deliberated on matters within the City Council's jurisdiction outside of a
19 public meeting. Thus, the information does not indicate that Shane Matthews engaged in

1 prohibited serial communications, in violation of ORS 192.630(1) and OAR 199-050-
2 0020(1), nor does it appear that he participated in a “meet in private” in violation of ORS
3 192.630(2) and OAR 199-050-0015(4).

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

8
9 **192.610 Definitions for ORS 192.610 to 192.705.** As used in ORS 192.610 to
10 192.705:

11 * * * * *

12 (1) “Convening” means:

13 (a) Gathering in a physical location;

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

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

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

18 * * * * *

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

21 * * * * *

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

25 * * * * *

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

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

1 (2) A quorum of a governing body may not meet in private for the purpose of
2 deciding on or deliberating toward a decision on any matter except as otherwise
3 provided by ORS 192.610 to 192.705.

4 * * * * *

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

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

14 * * * * *

15
16 **192.650 Recording or written minutes required; content; fees.**

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

24 * * * * *

25
26 **199-050-0015 Meetings Subject to the Public Meetings Law**

27 * * * * *

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

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 Shane Matthews, along with the other Salem
24 City 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 Shane
27 Matthews, discussing whether Keith Stahley should be asked to resign from his position
28 as City Manager for the City of Salem. The Complaint asserts that the City Council did
29 not hold a public meeting to discuss matters related to Keith Stahley's continued
30 employment with the City, and it alleges that members of the City Council engaged in
31 prohibited serial 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 Shane Matthews, along with the other Salem City Councilors, violated ORS 192.630(1),
5 ORS 192.630(2), ORS 192.640(1), and ORS 192.650(1), OAR 199-050-0020(1) and (2);
6 OAR 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, Shane Matthews was a City Councilor for
5 the City of Salem. The City is a public body, and the City Council is its governing body.
6 [ORS 192.610(5) and (6)]. As a member of the governing body of a public body, Shane
7 Matthews was required to comply with the provisions of Oregon Public Meetings law
8 found in ORS 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 Shane Matthews participated in these
22 additional 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 *Shane Matthews' Participation*

2 Between February 1st and February 6th, Julie Hoy had a conversation with Shane
3 Matthews to discuss the City's leadership audit and Keith Stahley's performance as City
4 Manager. Julie Hoy told Shane Matthews that she had been speaking with the other
5 Councilors about the matters. During that conversation, Shane Matthews told Julie Hoy
6 that he did not have enough time to form an opinion. [#IR6]. On February 10th, Micki
7 Varney stated in a text message that Shane Matthews told her that he was surprised to
8 hear about Keith Stahley's resignation and how it occurred. [#IR11]. Micki Varney stated
9 "I do not recall the specifics of that conversation with Shane Matthews. It was a brief
10 conversation. More of a "What is going on?" I mentioned that I didn't know and didn't
11 have details." [#IR18].

12
13 The communications among the City Councilors constitute a quorum of a governing body
14 engaging discussions or communications that are part of the governing body's decision-
15 making process on matters within the authority of the governing body; however, in Shane
16 Matthew's case, it does not appear that he participated in the unauthorized deliberations
17 when the Salem City Council conducted a "meet in private." Thus, it does not appear that
18 he violated ORS 192.630(2) or OAR 199-050-0015(4).

19
20 Prohibited Serial Communications

21 The information available indicates that between February 1, 2025 and February 6,
22 2025, Mayor Julie Hoy had a series of individual conversations with a majority of the City
23 Council through text messages, phone calls, and in-person meetings. These
24 conversations included discussions of the City's leadership audit, City Manager Keith
25 Stahley's performance, and his continued employment with the City—each of which is a
26 topic within the jurisdiction of the City Council. During these conversations, Julie Hoy
27 was gathering information from City Councilors that could be used by the City Council to
28 make a decision about Keith Stahley's ongoing employment with the City. Julie Hoy
29 weighed this information and determined that a majority of the City Council was in favor
30 of Keith Stahley's resignation. Julie Hoy then shared this determination with multiple
31 members of the City Council, including Council President Linda Nishioka. Finally,
32 following her receipt of this information, Council President Nishioka informed Keith

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

7
8 The evidence in this case indicates that the communications Julie Hoy had with City
9 Councilors do not fall within the exceptions set forth in ORS 192.690(1)(m). The
10 communications were not “purely factual” and instead conveyed deliberation or decisions
11 that “might reasonably come before the governing body.” At the time the communications
12 were made, it was reasonably foreseen that the matter of the City Manager’s
13 performance could come before the governing body for deliberation and decision.
14 Finally, the communications were substantive. Therefore, it is also clear that the
15 communications are not exempt under ORS 192.690(1)(m) and are subject to the
16 requirements of Public Meetings Law.

17
18 The City’s grievance response states that Julie Hoy did not act as an intermediary
19 because she only shared City Councilor views with one other member of City Council,
20 Linda Nishioka, and she did not share Councilor views amongst a quorum of the City
21 Council. Despite this contention, the evidence establishes that Julie Hoy shared City
22 Councilor views with multiple members of City Council.

23
24 More importantly, even if Julie Hoy only shared City Councilor views with Council
25 President Nishioka, she still had private conversations with a quorum of governing body
26 members to deliberate toward a decision within the City’s jurisdiction. A person acts as an
27 intermediary when they facilitate communications about a matter from one governing
28 body member to other governing body members. On each occasion Julie Hoy
29 communicated with individual City Councilors to share her concerns about Keith Stahley,
30 and to ask about their positions on his performance, information was shared between
31 members of the City Council, and this information was related to a decision within the
32 jurisdiction of the City Council. These discussions about Keith Stahley’s performance and

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

7 The information does not indicate that Shane Matthews participated in the deliberations
8 with any substantive communications. When he spoke to Mayor Julie Hoy at the
9 beginning of February, he expressed no opinion, and when he spoke with Micki Varney
10 on February 10th, he expressed his surprise about what had occurred. The available
11 information does not support finding that Shane Matthews participated in the prohibited
12 serial communications or meet in private with the other Councilors. Thus, it does not
13 appear that he violated ORS 192.630(1) or OAR 199-050-0020(1).
14

15 Public Notice and Meeting Minutes

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

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

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

31 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should find that
32 there is not a preponderance of the evidence in this case to establish that Shane

1 Matthews violated ORS 192.630(1), ORS 192.630(2), ORS 192.640(1) and ORS
2 192.650(1) and order that the case against him be dismissed. [Motion 7].

3 ///

4 ///

5 ///

6 **ASSOCIATED DOCUMENTS:**

7 #PR1 Blog PDF Complaint submitted 3/12/2025

8 #PR2 Elliott Lapinel Complaint submitted 3/17/2025

9 #PR3 Stahley Resignation Letter dated 2/9/2025

10 #PR4 Lapinel Grievance on 2/14/2025

11 #PR5 Salem Grievance Response to Both Complaints on 3/7/2025

12 #PR6 Julie Hoy Response received 4/9/2025

13 #PR7 Salem City Attorney's Statement on 2/15/2025

14 #PR8 Varney_Nishioka Text Messages received 3/24/25

15 #PR9 Nishioka_Namburi Text Messages received 3/24/2025

16 #PR10 Executive Session Meeting on 2/10/2025

17 #IR1 Leadership Audit 2024

18 #IR2 Email from Jill Gibson received 9/5/2025

19 #IR3 Paul Tigan Statement on 3/21/2025

20 #IR4 Micki Varney Statement on 3/28/2025

21 #IR5 Deanna Gwyn Statement on 3/26/2025

22 #IR6 Shane Matthews Statement on 4/8/2025

23 #IR7 Irvin Brown Statement on 3/20/2025

24 #IR8 Vanessa Nordyke Statement on 3/21/2025

25 #IR9 Nishioka's Initial Communication received 3/20/2025

26 #IR10 Linda Nishioka Statement on 3/21/2025

27 #IR11 Varney_Nishioka Text Messages 2/5/2025

28 #IR12 Final Press Release Statement from Nishioka on 2/15/2025

29 #IR13 Nordyke_Nishioka 2 on 2/10/2025

30 #IR14 Minutes of Salem City Council Meeting on 2/10/2025

31 #IR15 Nordyke_Nishioka Messages on 2/11/2025

32 #IR16 Varney_Tigan Text Messages on 2/12/2025

- 1 #IR17 Nishioka_Varney Messages on 2/14/2025
- 2 #IR18 Micki Varney Statement response on 9/19/2025
- 3 #IR19 Vanessa Nordyke Statement Response on 9/22/2025
- 4 #IR20 Paul Tigan Statement Response on 9/23/2025
- 5 #IR21 Varney_Nordyke on 2/10/2025

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9/29/2025
Date

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