

OREGON GOVERNMENT ETHICS COMMISSION

PRELIMINARY REVIEW

CASE NO: 23-284EHM

DATE: September 22, 2023

RESPONDENT: TOLAN, Majalise, Superintendent, Lincoln County School District

COMPLAINANT: MOORE, Tamara

RECOMMENDED ACTION: Move to Investigate Possible Violations of ORS 244.040(1) and ORS 244.120(1)(c)

1 **PRELIMINARY REVIEW:** The Oregon Government Ethics Commission (Commission)
2 received a signed written complaint from Tamara Moore on July 27, 2023. (#PR1). Ms.
3 Moore alleged that Majalise Tolan, Superintendent for the Lincoln County School District
4 (LCSD) may have attempted to further her personal gain and failed to declare conflicts of
5 interest by using District resources to advertise and promote her book, *She Leads: The*
6 *Women's Guide to a Career in Educational Leadership (She Leads)*. Receipt of the
7 complaint was acknowledged in letters to Ms. Moore and Ms. Tolan. Ms. Tolan was
8 provided with the information received in the complaint and invited to provide any
9 information which would assist the Commission in conducting the preliminary review in
10 this matter.

11 12 Background

13 Majalise Tolan has been a long-time Lincoln County School District Employee who was
14 promoted to the LCSD Superintendent position on July 1, 2023. (#PR1). Ms. Tolan
15 replaced former LCSD Superintendent, Dr. Karen Fischer Gray, who served the district
16 from 2018 to 2023, at which time Dr. Gray retired. As the current LCSD Superintendent,
17 Ms. Tolan works with and is a member of the following entities which are mentioned in
18 Ms. Tolan's response to the complaint:

- 1 • AASA – Asian American Student Association
- 2 • COSA – Coalition of Oregon School Administrators
- 3 • NAESP – National Association of Elementary School Principals
- 4 • NASSP – National Association of Secondary School Principals
- 5 • OASSA – Oregon Association of Secondary School Administrators (#PR2)

6

7 In January of 2022, Ms. Tolan’s book, *She Leads: The Women’s Guide to a Career in*
8 *Educational Leadership (She Leads)*, was published. Ms. Tolan’s book is listed online
9 and can be found for purchase on Amazon.com. (#PR3) At the time of publishing, Ms.
10 Tolan was serving as the Secondary Director for the LCSD. She explains that the purpose
11 for writing the book was to provide women seeking positions of leadership in the
12 educational setting a method of achieving their leadership goals. (#PR2)

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14 Complaint

15 In her written complaint, Tamara Moore alleges that Majalise Tolan may have engaged
16 in a prohibited use of position in her roles as Superintendent and Secondary Director for
17 the LCSD by using district resources to pay for expenses to attend various conferences
18 and events to promote her book, and that she may have done so without first declaring a
19 conflict of interest. As portions of the complaint refer to matters that are outside of the
20 Commission’s jurisdiction, this preliminary report will only address the allegations in the
21 complaint that fall within the Commission’s jurisdiction. In relevant part, Ms. Moore writes:

22

23 In both her prior role and now present role as Superintendent [Majalise Tolan] has
24 been traveling to multiple educational conferences in support of her book * * *. Not
25 only is she NOT present in her educational role as she promotes herself, her book
26 - she is also being paid by the district. I have concerns that her pay, the
27 conferences are being paid for by the taxpayers of Oregon along with expenses
28 while she is clearly going to the conferences to advertise her book which is a
29 conflict of interest. * * * How can she be present in [the] role as an educational
30 leader representing herself as attending educational events where she is clearly
31 gaining financially personally with co-mingling of personal and professional as she

1 sells her books. I have questions about her travel logs, who is paying for her salary,
2 expenses and conference expenses while she is "selling" her book. * * *. (#PR2)

3
4 With her complaint, Ms. Moore provided a link to Ms. Tolan's Twitter account. A review of
5 the account revealed several postings which included photos of the book, *She Leads*,
6 and of Ms. Tolan with endorsers of her book. These photos appear to have been taken
7 at various conferences/presentations at which Ms. Tolan was in attendance. The Tweets
8 associated with each of the photos note Ms. Tolan's appreciation of the book
9 endorsements. In one particular Tweet, posted on July 13, 2023, Ms. Tolan wrote: "I'm
10 on a mission to get all of our endorsers and contributors to sign my personal copy of *She*
11 *Leads*." (#PR4)

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13 Response

14 Commission staff received a response from Majalise Tolan, on August 11, 2023. As with
15 the complaint, this report will only address the portions of Ms. Tolan's response that fall
16 within the Commission's jurisdiction. In relevant part, Ms. Tolan, writes:

17
18 In 2022, the book, *She Leads: The Women's Guide to a Career in Educational*
19 *Leadership* was published while I was the Secondary Director for Lincoln County
20 School District. The purpose of the book was to provide women seeking positions
21 of leadership in the educational setting a roadmap of how to make it happen based
22 on the experience of women leaders and the authors located across the country.
23 Dr. Gray, although not the author of the forward nor an endorser, was asked to
24 contribute to the book based on her 42 years (at the time) of experience in
25 education. The book also had multiple endorsers. I have carried that book around
26 with me since 2022 so that when I meet one of these women or endorsers in
27 person I am able to have them autograph my personal copy and we take a picture.
28 These pictures are on Twitter. The book was written to raise awareness of the
29 discrepancy between men and women in educational leadership and provide a
30 path and voice for women leading.

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1 In the hiring process, LCSD board members shared that I was an author when
2 presenting me at community forums, as well as an involved administrator at the
3 state and national level. I shared with the public that I had written the book and its
4 topic and explained my role with COSA, OASSA, and NASSP. (#PR2)

5
6 Ms. Tolan then provided information about her *She Leads* travel presentations. She
7 writes:

8
9 **She Leads** Travel Presentations:

10 COSA Summer Conference - (non-paid presentation, travel paid by COSA,
11 tradeable day)

12 Louisville, Kentucky - NAESP Conference (non-paid presentation, non-work day,
13 travel reimbursed by COSA)

14 Boston, MA - Equity and Excellence Summit (private, non-work day) (#PR2)

15
16 Ms. Tolan also attached a timeline of her work travel engagements to conferences and
17 presentations dating from January 2022 to July 2023. Ms. Tolan's timeline provides the
18 following information that involves matters in regard to her book, *She Leads*:

19

<u>Date</u>	<u>Location</u>	<u>Purpose</u>
4/17-20/22	Alexandria, VA	AASA Institute with LCSD Principal/Admin Supervisors
6/22-24/2[3]	Seaside, OR	COSA Annual Seaside Conference (OASSA Past-President)
7/11-14/22	NASSP/NAESP Louisville, [KN]	NASSP Principals Advocacy Conference and National Elementary Principals Conference (Oregon NASSP Rep)
2/27-3/2/23	Phoenix, AZ	Solution Tree [Prof. Learning Community] PLC Summit
7/12-15/23	Denver, CO	NASSP Principals Conference (OASSA NASSP Rep) (#PR2)

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1 Ms. Tolan's response also identifies ten (10) additional conferences that she attended in
2 her official capacity, but it does not include whether her attendance at these additional
3 ten (10) events included any matters relating to the book.

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5 Ms. Tolan went on to provide additional details of each of the work related travel events
6 listed in the timeline above:

7
8 **AASA Supervisors Institute:** All travel was paid by LCSD and four other LCSD
9 district office administrators attended. This year-long professional learning
10 opportunity was organized by Superintendent, Dr. Karen Gray and recommended
11 by Center for Educational Leadership. A picture was taken holding the book at the
12 conference with the conference lead who works for Center for Educational
13 Leadership.

14
15 **COSA Seaside Conference:** COSA Presidents attend this conference and host
16 receptions, lunches, welcomes, and other events. A non-paid breakout session on
17 She Leads was given at this event. Travel expenses were paid by Majalise Tolan
18 and reimbursed by COSA.

19
20 **NASSP/NAESP:** NASSP held an advocacy week different from a summer NASSP
21 Principals Conference in the past. State NASSP Reps were asked to attend. The
22 conference ended when NAESP began. She Leads was a non-paid presentation
23 at NAESP. Travel was paid by Majalise Tolan and reimbursed by COSA.

24
25 **Solution Tree PLC Summit:** * * * A team of admin and teachers have attended.
26 The work is directly aligned to the Professional Learning Community
27 implementation work in the district. * * * A picture of She Leads was taken at this
28 summit with Dr. Douglas Reeves, an endorser of the book. Travel was paid by
29 LCSD.

30
31 **NASSP Principals Conference:** NASSP requested state representatives attend
32 the national conference. Although moving out of the position, other Oregon

1 OASSA members could not attend and a replacement had not been elected so
2 Majalise Tolan represented OASSA in the NASSP role for a final presentation.
3 Majalise Tolan paid and was reimbursed by COSA. Pictures were taken with
4 endorsers for the book. The Region 7 leader, Derrick Lawson, posted a picture
5 with Majalise Tolan and She Leads. (#PR2) (emphasis in original)
6

7 Additional Information

8 Commission staff contacted Ms. Tolan to obtain clarification and additional insight into
9 her written response and the allegations made in the complaint. The interview revealed
10 that Ms. Tolan attended most of the conferences and events in her official capacity as the
11 Secondary Director and subsequently as the Superintendent of the Lincoln County School
12 District (LCSD), and that she did so without ever having submitted a written declaration
13 of a conflict of interest. Additionally, Ms. Tolan was asked to provide a presentation on
14 her book for two of the events she attended. Her expenses to attend these two events
15 were paid by Ms. Tolan but reimbursed by the organizing sponsors of the event due to
16 the role in which she played for the organization. Ms. Tolan further explained, that outside
17 of carrying a personal copy of her book to gain autographs and occasionally handing out
18 stickers between sessions or on breaks, there was one time in which a speaker asked
19 Ms. Tolan to talk about her experience in writing the book during a presentation at an
20 event. The Commission also asked whether Ms. Tolan's publisher was present or if
21 any book sales were conducted at any of the events/conferences she attended. Ms. Tolan
22 stated that the book publisher was never in attendance and that there was only one event
23 in which her book was being sold at the event bookstore. These books were not supplied
24 by Ms. Tolan for the event. (#PR5)
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26 **RECOMMENDATIONS:** Majalise Tolan is the Superintendent and the former Secondary
27 Director for the Lincoln County School District. She held these positions during the period
28 relative to this preliminary review. As such, she is a public official, as defined in ORS
29 244.020(15), and is required to comply with Oregon Government Ethics laws.

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1 Relevant Statutes and Administrative Rules

2 ORS 244.020(1) and (13) define a conflict of interest as any action, decision or
3 recommendation taken by a public official that would or could financially impact that public
4 official, their relative, or a business with which the official or their relative is associated. If
5 the official action would result in a certain financial impact, it would be an actual conflict
6 of interest, per ORS 244.020(1). If the official action could result in a financial impact, it
7 would be a potential conflict of interest, per ORS 244.020(13).

8
9 When met with a conflict of interest, an appointed public official such as Majalise Tolan,
10 must provide written notification to her appointing authority the nature of the conflict and
11 request that appointing authority dispose of the matter giving rise to the conflict. Upon
12 receipt of the request, the appointing authority shall designate within a reasonable time an
13 alternate to dispose of the matter, or shall direct the official to dispose of the matter in a
14 manner specified by the appointing authority. [ORS 244.120(1)(c)]

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16 ORS 244.040(1) prohibits a public official from using or attempting to use the official's
17 position to obtain a financial benefit or avoid a financial detriment for the official, a relative
18 or household member, or a business with which any of them are associated, if the
19 financial benefit or avoidance of detriment would not otherwise be available but for the
20 public official's holding the official position. This provision applies regardless of whether
21 the public official had disclosed an actual or potential conflict of interest. [ORS 244.040(8)]

22
23 Prohibited Use of Office/Conflict of Interest

24 Allegations in the complaint assert that Majalise Tolan may have been faced with conflicts
25 of interest and engaged in the prohibited use of her official positions by using district
26 resources to advertise and promote her book, *She Leads*. In her response, Majalise Tolan
27 states that, in attending conferences and presentations for work related travel, she carries
28 a copy of the book with her so when she meets women of leadership or endorsers in
29 person, she can ask for their autograph and a picture. These pictures are then posted on
30 Twitter.

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1 Commission staff's review of the documentation and timeline submitted by Ms. Tolan
2 reveals that Majalise Tolan may have promoted her book while on district paid work
3 related travel. Commission staff was able to ascertain that for some of the
4 conferences/presentations attended in her role as an LCSD employee, Ms. Tolan appears
5 to have engaged in the promotion of her book by requesting autographs and posting
6 pictures of her books being signed/having been signed on her Twitter account.
7 Additionally, Ms. Tolan appears to have engaged in the promotion of her book by handing
8 out stickers between sessions or on breaks. Per Commission staff's telephone interview
9 with Ms. Tolan, Ms. Tolan stated that she attended most of the events, listed on her
10 timeline, in her official capacity as a representative of the LCSD, and that on at least two
11 occasions, she was asked to be a speaker and provided a presentation on her book. As
12 Ms. Tolan's ability to attend these events and promote her book would appear to only
13 have been available but for the holding of her official positions as a Secondary Director
14 and the Superintendent of LCSD, it appears that Ms. Tolan may have violated ORS
15 244.040 by using her official position to receive a personal financial gain.

16
17 In regard to conflicts of interest, in signing up for the conferences and events at which
18 she could also promote her book, such as by making sure to carry a personal copy of her
19 book for autographs and photographs with her, Ms. Tolan may have taken action in her
20 official capacity that could result in a financial impact or the avoidance of a financial
21 detriment. Thus, it appears she may have had potential conflicts of interest to declare.
22 Per ORS 244.120(1)(c), this knowledge would require Ms. Tolan to have provided a
23 written notification of a potential conflict of interest to her appointing authority prior to
24 signing up or attending an event in her official capacity. This available information
25 indicates that by failing to declare a conflict of interest each time she signed up for an
26 event may have constituted a violation of the conflict of interest provisions under Oregon
27 Government Ethics law. [ORS 244.120(1)(c)]

28
29 Should this matter be moved to investigation, Commission staff would investigate these
30 matters further and seek to obtain and review additional records, such as expenses paid
31 and by whom. Additionally, we would look into whether her attendance at the ten
32 additional events listed in her timeline pertained to the promotion of her book. We would

1 also interview persons employed by the LCSD and the Associations, i.e., COSA, NAESP,
2 NASSP, OASSA, etc.

3
4 Based on the information available in this preliminary review, there appears to be a
5 substantial objective basis to believe that Majalise Tolan may have violated the prohibited
6 use of office and conflict of interest provisions of Oregon Government Ethics law.

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8 The Oregon Government Ethics Commission should move to investigate whether
9 Majalise Tolan may have violated ORS 244.040(1) and ORS 244.120(1)(c). (Motion 4).

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11 **ASSOCIATED DOCUMENTS:**

- 12 #PR1 Complaint filed by Tamara Moore, dated 07/27/23.
- 13 #PR2 Response from Majalise Toland, dated 08/11/23.
- 14 #PR3 Link to book listing on Amazon.com: She Leads: The Women's Guide to a
15 Career in Educational Leadership.
- 16 #PR4 Link to Majalise Tolan's Twitter Account: https://twitter.com/MajaliseTolan
- 17 #PR5 Memo to File, telephone conversation with, Majalise Tolan on 09/18/23

PREPARED BY Monica J. Walker, Investigator *mjd 9/22/23*

APPROVED BY Ronald A. Bersin, Executive Director *RB 9/22/2023*

REVIEWED BY Sean T. Brady, Assistant Attorney General *via email 9/22/23*