

OREGON GOVERNMENT ETHICS COMMISSION

PRELIMINARY REVIEW

CASE NO: 25-289LDP
DATE: September 15, 2025
RESPONDENT: BRANGER MUNOZ, Cynthia
COMPLAINANT: STRAKA, Ben
RECOMMENDED ACTION: Move to Dismiss

PRELIMINARY REVIEW: The Oregon Government Ethics Commission (Commission) received a signed, written complaint from Ben Straka on May 13, 2025. Ben Straka alleges that Cynthia Branger Muñoz, a registered lobbyist for the Oregon Education Association, may have made false statements or misrepresentations to legislative officials during the 2025 Legislative Session. Receipt of the complaint was acknowledged in letters to Ben Straka and Cynthia Branger Muñoz. Ms. Branger Muñoz was invited to provide any information that would assist the Commission in conducting the preliminary review in this matter.

Background Information

House Bill (HB) 3789 was amended multiple times before ultimately being enacted into law during the Oregon Legislative Assembly's 2025 Regular Session. The introduced version of the bill makes it unlawful to falsely impersonate a union or union representative. (#PR10). The Oregon Education Association (OEA) is a union organization that represents Oregon educators and advocated in favor of HB 3789. The Freedom Foundation is "an organization that communicates with public employees about their constitutional right to opt out of union membership...through an outreach project called Opt Out Today" and opposed the passage of HB 3789 (#PR1; #PR2).

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1 The Oregon Legislative Information System (OLIS) is an online platform that provides
2 access to current and historical records and permits individuals to upload files related to
3 legislative bills. The complaint in this matter concerns a public hearing held on March
4 10, 2025, by the Oregon House of Representatives' Committee on Labor and
5 Workplace Standards to discuss HB 3789. The Freedom Foundation, who Mr. Straka
6 represents, alleges that at the March 10th public hearing, Cynthia Branger Muñoz, as
7 lobbyist for OEA, knowingly uploaded false information to OLIS regarding the Freedom
8 Foundation's "Opt Out Today" mailer (Mailer). (#PR1).

9 10 Complaint

11 In his complaint, Ben Straka asserts that at the March 10, 2025, public hearing, Ms.
12 Branger Muñoz made "false statements or misrepresentations" and "knowingly provided
13 an incomplete and falsified [Mailer] to the members of the legislature's House
14 Committee on Labor and Workplace Standards for the purpose of influencing legislative
15 action on [HB] 3789." He writes:

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17 During the hearing, Rep[resentative] Anna Scharf asked Tracey-Ann Nelson, the
18 [E]xecutive [D]irector of [OEA], to provide the committee with examples of written
19 communications that HB 3789's supporters considered to falsely impersonate
20 unions or union representatives[.] Specifically, [Representative] Scharf requested
21 that examples be uploaded to the legislative record via [OLIS] on behalf of the
22 OEA and the bill's other supporters. (#PR1). * * *

23
24 Mr. Straka asserts that the Mailer provided by Ms. Branger Muñoz was the only
25 example "of alleged false impersonation" in support of HB 3789. Additionally, he states
26 that the copy of the Mailer was incomplete and "had been edited to remove entire
27 portions of the original [M]ailer showing the return address to be that of the Freedom
28 Foundation[.]" He explains that the Freedom Foundation subsequently provided the
29 committee with a complete copy of the Mailer. (#PR1).

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1 Next, Mr. Straka explains why Ms. Branger Muñoz’s actions were intentional. He writes:

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3 Regardless of who actually edited the document, any reasonable person,
4 including [Ms. Branger] Munoz, could see that parts of the photocopy had been
5 obscured. [Ms. Branger] Munoz would have been well aware of this before
6 uploading the [M]ailer to OLIS both for the obvious reason that it was visually
7 apparent, and because [she] knew it was a “[M]ailer.”...Yet notably, the
8 photocopy uploaded by [Ms. Branger] Munoz was one-sided and conspicuously
9 missing any content showing its sender or return address, elements commonly
10 associated with any mailer. (#PR1).

11
12 Mr. Straka states that “there is no indication that [Ms. Branger] Muñoz ever retracted her
13 misrepresentation and notified legislative officials of the truth about the Freedom
14 Foundation’s [M]ailer, as required by ORS 171.764(2), prior to either the House
15 committee or floor votes regarding HB 3789.” Mr. Straka concludes by reiterating his
16 prior assertions regarding Ms. Branger Muñoz, including that “she misrepresented the
17 content and identify of the Freedom Foundation’s [M]ailer to legislative officials” and that
18 Mr. Branger Muñoz’s “actions were intentional and that she failed to issue the required
19 retraction and correction.” (#PR1).

20 21 Response

22 Margaret Olney, legal counsel for Ms. Branger Muñoz, provided a response to the
23 complaint dated June 25, 2025. Ms. Olney writes:

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25 According to Mr. Straka, on March 11, 2025, Ms. Branger Muñoz submitted a
26 copy of a sample [M]ailer from the Freedom Foundation that had been “doctored”
27 with the intent to deceive the legislature by removing information identifying the
28 flyer as coming from the Freedom Foundation. This is not true. The sample
29 [M]ailer submitted was the only version Ms. Branger Muñoz had available that did
30 not include personally identifying information of the member who had provided
31 the sample. Before this complaint was filed, Ms. Branger Muñoz submitted a

1 complete version of the [M]ailer, with the QR code link to Freedom Foundation
2 materials. In addition, the Freedom Foundation itself submitted a complete copy
3 of the [M]ailer as part of the March 10, 2025, hearing record. In short, there was
4 no intent to deceive the legislature, nor any actual deception[.]

5
6 The statute thus makes clear that only *intentional* and *material*
7 misrepresentations of fact are prohibited. This means that to violate the statute,
8 Ms. Branger Muñoz must have knowingly “doctored” the flyer with a clear intent
9 to mislead the public or legislators. Moreover, the allegedly false statement must
10 be *material* – it must be of sufficient gravity to affect the course or
11 outcome of the proceeding[.] (#PR2, emphasis in original).

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13 Ms. Olney asserts, “[c]onsistent with common sense and free speech protections under
14 the Oregon Constitution, a finding that a lobbyist (or public official) has made a
15 knowingly false statement of material fact must be supported by clear evidence that the
16 speaker knew that the statement was false and made it anyway.” She further explains:

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18 * * * The fact that the page containing both the sender and recipient’s address
19 was not included in the original submission – an omission that Ms. Branger
20 Muñoz later fixed and which was cured by the Freedom Foundation itself --
21 cannot form the basis of a finding of misconduct unless there is undisputable
22 evidence that the submission was false and that Ms. Branger Muñoz intended to
23 deceive. (#PR2).

24
25 Ms. Olney reiterates that Ms. Branger Muñoz did not intentionally misrepresent the
26 Mailer. Rather, “Ms. Branger Muñoz submitted the only flier in her possession that that
27 did not include personally identifiable information of the recipient; she did not make any
28 redactions herself. Ms. Branger Muñoz’ choice to protect the identity of a union member
29 is reasonable given the public nature of the proceeding.” Furthermore, the Freedom
30 Foundation submitted a complete copy of the Mailer on March 10th to the House
31 Committee. She asserts, “even assuming that the incomplete flier might be considered
32 misleading, any confusion was cured by the Freedom Foundation’s own filings.” (#PR2).

1 Ms. Olney asserts that the complaint filed by Mr. Straka was “submitted primarily to
2 create a talking point for opponents of HB 3789[.]” She concludes, “In questioning the
3 timing of the complaint, Ms. Branger Muñoz is not asserting that the Freedom
4 Foundation acted unlawfully; lawmaking is a political process. However, we do believe it
5 is disingenuous for Mr. Straka to claim ‘foul play’ or improper motives in a complaint that
6 is so obviously filed for its own political purpose.” (#PR2).

7 8 Other Information

9 Commission staff reviewed the Mailer uploaded by Ms. Branger Muñoz to OLIS on
10 March 10th for the public hearing. In relevant part, the Mailer provides, “I authorize the
11 Freedom Foundation to transmit this notice to [the Oregon School Employees
12 Association] and/or my employer on my behalf[.]” (#PR3). Commission staff scanned
13 the QR Code on the Mailer which led to a website stating it was part of “Opt out
14 Today[.]” and a “project of the Freedom Foundation[.]”

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16 Mr. Straka provided a copy of the letter he wrote to the House Committee dated March
17 12, 2025, regarding HB 3789 and the Mailer uploaded to OLIS by Ms. Branger Muñoz.
18 In relevant part, Mr. Straka explained that OEA removed information from the Mailer
19 and “also neglected to include a copy of the envelopes in which these [M]ailers are sent,
20 which clearly identify the sender as the Freedom Foundation and uses the return
21 address of the Freedom Foundation[.] On Page 2, footnote 6 of his letter, Mr. Straka
22 included a web link with, “[a] complete copy of the Freedom Foundation’s [M]ailer and
23 its outgoing envelope[.]” (#PR5). Commission reviewed the Mailer which included two
24 additional pages not provided in Ms. Branger Muñoz’s copy. Page 1 was the envelope
25 indicating that the Mailer is from the Freedom Foundation and Page 2 provided the
26 addressee information for postage and states that the Mailer is part of “Opt Out Today.”
27 (#PR6).

28
29 Commission staff emailed Mr. Straka to clarify when he submitted the March 12th letter
30 to the House Committee. He explained, “[t]he legislature’s rules provide for written
31 testimony to be submitted up to 48 hours after the applicable public hearing’s start time.

1 My written testimony was uploaded to OLIS on March 12th], within the 48-hour window,
2 but was indeed submitted for the March 10th] public hearing on HB 3789 and that's why
3 the official record in OLIS reflects this." (#PR7).

4
5 Lastly, Commission staff reviewed the March 10th public hearing recording concerning
6 HB 3789 and confirmed that Ms. Branger Muñoz did not testify or engage in the
7 discussions at the hearing. (#PR8). In a separate response to Commission staff, Ms.
8 Olney, Ms. Branger Muñoz's legal counsel, confirmed that Ms. Branger Muñoz did not
9 testify at the March 10th public hearing, she only provided supporting documentation for
10 OEA. Ms. Olney also added that aside from the copies of the Mailer uploaded to OLIS
11 by Ms. Branger Muñoz and Mr. Straka, no other copies were provided at the March 10th
12 hearing. (#PR9).

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14 **RECOMMENDATIONS:** During the period relevant to this preliminary review, Cynthia
15 Branger Munoz is a lobbyist registered in the Commission's Electronic Filing System to
16 lobby on behalf of the Oregon Education Association. As a registered lobbyist, Ms.
17 Branger Munoz is required to comply with the lobbying regulations set forth in ORS
18 171.725 to 171.785, including the requirements in ORS 171.764.

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20 **Relevant Statutes**

21 ORS 171.764(1) provides that "No lobbyist or public official, as defined in ORS 244.020,
22 shall make any false statement or misrepresentation to any legislative or executive
23 official or, knowing a document to contain a false statement, cause a copy of such
24 document to be received by a legislative or executive official without notifying such
25 official in writing of the truth[.]"

26
27 ORS 171.764(3)(a) defines "False statement or misrepresentation" to mean "the
28 intentional misrepresentation or misstatement of a material fact."

29
30 ORS 171.764(3)(b) defines "Material" to mean "that which may have affected the course
31 or outcome of any proceeding or transaction if known prior to the proceeding or
32 transaction."

1 Analysis

2 In his complaint, Mr. Straka alleges that Ms. Branger Muñoz “knowingly provided an
3 incomplete and falsified [Mailer] to the members of the legislature’s House Committee”
4 at the March 10, 2025, public hearing. Mr. Straka asserts that her actions were a
5 “misrepresentation” of the Freedom Foundation’s Mailer and a violation of provisions in
6 ORS Chapter 171. In this case, Ms. Branger Muñoz did not verbally testify at the March
7 10th public hearing but did provide testimony in the form of a Freedom Foundation
8 Mailer that was uploaded to OLIS (Ms. Branger Muñoz’s Mailer). In addition to his
9 written testimony, Mr. Straka also uploaded a copy of the Mailer to OLIS (Mr. Straka’s
10 Mailer). Compared to Mr. Straka’s Mailer, it appears Ms. Branger Muñoz’s Mailer had
11 two pages missing which included an envelope indicating it was from the Freedom
12 Foundation and the addressee information stating the Mailer was part of “Opt Out
13 Today.”

14
15 To meet the definition of “false statement or misrepresentation” of material fact, ORS
16 171.764(3)(b) requires that the false statement or misrepresentation, in this case the
17 information in Mr. Straka’s Mailer that was not included in Ms. Branger Muñoz’s Mailer,
18 be information such that if known prior to or following the House Committee Members’
19 discussions or votes, the Mailer “may have affected the course or outcome” of HB 3789.

20
21 While there is no dispute that Mr. Straka’s Mailer included details not provided in Ms.
22 Branger Muñoz’s Mailer, none of the information gathered in this preliminary review
23 suggests that Ms. Branger Muñoz’s Mailer misrepresented a “material” fact or that, Ms.
24 Branger Muñoz’s Mailer was uploaded to OLIS with the intent of misleading the
25 legislative committee. While Ms. Branger Muñoz’s Mailer did not include either the
26 envelope in which the Mailer was sent or the addressee information for returning the
27 mailer, which identifies the Mailer as part of “Opt Out Today,” the Mailer she submitted
28 does not alter any portion of the contents of the Mailer. As such, it is far from clear that
29 Ms. Branger Muñoz’s Mailer contains any misrepresentation, much less a material one.
30 In particular, Ms. Branger Muñoz’s Mailer contains an unaltered form the recipient could
31 fill out to “authorize the Freedom Foundation” to cease union dues incurred by union

1 members. Moreover, the Mailer's QR code led to the Freedom Foundation's website
2 stating it was "[a] project of the Freedom Foundation." Thus, it appears that Ms. Branger
3 Muñoz's Mailer contained information that could be used to identify the Freedom
4 Foundation, such that a difference of two missing pages would not have affected the
5 outcome of the legislator's discussions or votes at the March 10th public hearing.
6 Because it does not appear that Ms. Branger Muñoz's Mailer was a "false statement or
7 misrepresentation" of "material" fact, it does not appear she violated ORS 171.764.

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9 Based on the information available in this preliminary review, there does not appear to
10 be a substantial objective basis to believe Cynthia Branger Muñoz may have violated
11 ORS 172.764. The Oregon Government Ethics Commission should move to dismiss the
12 complaint. (Motion 2).

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14 **ASSOCIATED DOCUMENTS:**

15 #PR1 Ben Straka complaint, 05/12/2025.
16 #PR2 Margaret Olney response on behalf of Cynthia Branger Muñoz, 06/25/2025
17 #PR3 Copy of Freedom Foundation mailer by Cynthia Branger Muñoz
18 #PR4 Freedom Foundation website, located at: <https://www.optouttoday.com/osea>
19 #PR5 Ben Straka letter to House Committee on Labor and Workplace Standards,
20 03/12/2025
21 #PR6 Copy of Freedom Foundation mailer by Ben Straka
22 #PR7 Ben Straka email response, 07/24/2025
23 #PR8 March 10, 2025, Public Hearing, located at: [Oregon Legislative Video](#)
24 #PR9 Margaret Olney memorandum, 07/28/2025
25 #PR10 House Bill 3789

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