

May 1, 1997

Elizabeth Wisler
12655 SW Pathfinder Court
Tigard, OR 97223-5156

Dear Ms. Wisler:

This letter is in response to your correspondence, dated March 17, 1997, concerning whether or not, you as a public employee, can accept a cash prize that you won while attending the Oregon Careers Conference March 6 and 7, 1997.

OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION STAFF
OPINION NO. 97S-012

STATED FACTS: You are an employee of the Oregon Department of Employment. Your position is Job Service Representative for the Beaverton employment office. On Thursday, March 6 and Friday, March 7, 1997, you attended the Oregon Careers Conference in Eugene, Oregon. Conference attendees included 325 career counselors from private practice and public and private agencies. Approximately 1/3 of the attendees came from the private sector. Conference and lodging related expenses were paid by your employer.

On March 6, you and another conference attendee participated together in the Explore CIS (Career Information System) game competition. You use the CIS in the Beaverton office of the Department of Employment as a part of your course work for counseling clients needing to know about occupational careers, financial aid, and college selection. The CIS game competition occurred during the evening portion of the conference, between 7pm and 8pm. You became an entrant when you and the other conference attendee were approached by a CIS official who asked for volunteers for the contest. You volunteered to participate in the contest. This was a non-work related activity during non-conference hours. Because you and your teammate were successful in answering the question correctly, your team won a prize of \$500. Your share of the prize is \$250. The cash prize could have been extended to non-public employees if they won the contest.

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RELEVANT STATUTES: The following Oregon Revised Statutes are relevant to the issues addressed herein:

ORS 244.020(8): Gift means something of economic value given to a public official or the public official's relative without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives of public officials on the same terms and conditions; and something of economic value given to a public official or the public official's relative for valuable consideration less than that required from others who are not public officials.

ORS 244.020(15): Public official means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

ORS 244.040: Code of ethics; prohibited actions; honoraria. The following actions are prohibited regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed pursuant to ORS 244.120.

(1)(a) No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's holding of the official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b) and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional achievement for the public official or the public official's relative, or for any business with which the public official or a relative of the public official is associated.

QUESTION: Would it be a violation of Oregon Government Standards and Practices laws for a public employee to accept a prize for winning a contest that was conducted during a conference when the employee's government agency paid for the employee to attend the conference and paid all related expenses?

OPINION: Yes. ORS 244.040(1)(a) prohibits public officials from using their office or official position to obtain a financial benefit. This prohibition prevents public officials from obtaining personal financial gain through the use of their public office or position, other than official salary, honoraria, reimbursement of expenses or an unsolicited award for professional achievement.

The Oregon Careers Conference was sponsored by the Oregon Career Development Association and Oregon Career Information System (CIS). The conference was open to professionals from both the private and public sectors. As a Job Service

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Representative for the Oregon Department of Employment (ODE), the public employee uses the CIS as part of the employee's work in counseling clients needing career information. The stated facts indicate the Oregon Department of Employment paid for the employee to attend the conference. The public official attended the conference because of being an employee of ODE.

Attendees at the conference were offered the opportunity to challenge themselves on how well they knew CIS. Competitors in the Explore CIS game could win \$500 at the conference. The ODE employee and another attendee joined together as a team and were successful in winning the competition. The prize does not qualify as official salary, honoraria, reimbursement of expenses or an unsolicited award for professional achievement as stated in ORS 244.040(1)(a); therefore, the public employee is prohibited by ORS 244.040(1)(a) from accepting the prize.

THIS RESPONSE IS BASED SOLELY ON THE INFORMATION PROVIDED IN YOUR WRITTEN INQUIRY AND IS NOT A FORMAL ADVISORY OPINION PURSUANT TO ORS 244.280. IT IS MY PERSONAL ASSESSMENT AS THE EXECUTIVE DIRECTOR OF THE OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION.

Sincerely,

L. Patrick Hearn
Executive Director

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