

December 6, 1999

Sandra Kalin  
Department of Administrative Services  
1225 Ferry St. SE  
Salem, OR 97310-1531

Dear Ms. Kalin:

This is in response to your correspondence dated November 24, 1999 regarding the Department of Administrative Services allowing vendors to purchase advertising space in its annual conference program.

**OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION STAFF**  
**OPINION NO. 99S-031**

STATED FACTS: Each year the Department of Administrative Services (DAS) hosts an annual conference for state and local purchasing professionals throughout Oregon. The conference includes a trade show that allows vendors to set up booths to showcase their products and services. Some vendors are unable to display their products in a traditional trade show booth, such as heavy equipment vendors, while other vendors are turned away due to the small amount of vendor booth space.

The DAS proposes to allow vendors to purchase advertising space in the conference program for a modest fee. The fee would be used to offset the additional cost of printing the program. In this way, DAS believes this would level the playing field and allow all vendors an opportunity to highlight their products and services whether or not they are able to rent a booth for the event. The benefits are twofold in that more vendors can participate in some way, and more information is available to state and local government purchasing professionals regarding products and services that are available.

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

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: Do Oregon Government Standards and Practices laws prohibit the Department of Administrative Services from selling advertising space in its annual conference program to vendors that are unable to display their products in a traditional trade show booth?

OPINION: No. The provisions of ORS Chapter 244 apply to a very narrow set of activities. It deals exclusively with the concept of financial disclosure, use of office for personal financial gain, conflicts of interest, and other areas in which an individual public official, a relative of the official or a business with which the official or a relative is associated might be affected financially by his or her official actions.

It does not appear that there would be a violation of Oregon Government Standards and Practices laws here if the DAS were to sell advertising space in the program for its annual conference. The stated facts do not indicate a financial gain or a conflict of interest for a public official, relative of an official or a business with which an official or a relative of an official is associated.

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**THIS RESPONSE ADDRESSES ONLY THE APPLICATION OF ORS CHAPTER 244 TO THE FACTS STATED HEREIN. OTHER LAWS OR REQUIREMENTS MAY ALSO APPLY. THIS IS NOT A FORMAL ADVISORY OPINION PURSUANT TO ORS CHAPTER 244.280. IT IS MY PERSONAL ASSESSMENT AS THE EXECUTIVE DIRECTOR OF THE OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION.**

Please don't hesitate to call or write again if you have questions or would like additional clarification.

Sincerely,

L. Patrick Hearn  
Executive Director

LPH:aip/kalin.so