



Oregon Government Ethics Commission

Commission Meeting Materials

April 10, 2026

Public Session

OREGON GOVERNMENT ETHICS COMMISSION

Meeting Minutes

March 6, 2026

9:00 a.m.

Commission Vice Chair Jonanthan Thompson and Commissioner Alicia McAuley were present in person. Commissioners Richard Burke, Iván Resendiz Gutierrez, Ann Metler, Peter Janci, and Cheri Helt were present via Teams. Commission Chair Shenoa Payne was excused.

Executive Director Susan Myers, Compliance & Enforcement Coordinator Casey Fenstermaker, Curriculum & Education Coordinator Stephanie Heffner, Senior Operations Mgr. Becky Maison, and Investigators Daniel Pacheco, Josh Sullivan and Silas Patterson were present in person. Trainers Chris Brubaker, Ruth Sylvester, and Angela Nolan and Admin Staff Molly Putnam and David Hunter were present via Teams.

Department of Justice (DOJ) Counsel Sean Brady was present in person.

Members of the Press, present via Teams: Whitney Woodworth, Statesman Journal.

(File 1)

Vice Chair Thompson called the meeting to order at 9:01 a.m. Roll call was completed by Vice Chair Thompson to confirm attendance of the Commissioners.

Public Session Item 1, Comments from the Vice-Chair. None.

Public Session Item 2, Comments from the Commissioners. None.

Public Session Item 3, Approval of Minutes. Commissioner McAuley moved the Commission approve the minutes for the February 6, 2025 meeting. Roll call was taken as follows: Helt, aye; McAuley, aye; Resendiz Gutierrez; aye; Burke, aye; Metler, aye; Janci, abstain; Thompson, aye. Motion passed. 6-0, 1 abstention.

STIPULATED FINAL ORDERS

Civil Penalties

Public Session Item 17, 25-420EDP – Soraida Cross, City of Keizer

Recommendation: \$500 Penalty

Investigator: Daniel Pacheco

Vice Chair Thompson noted that he will be abstaining from the vote as he has a professional relationship with the respondent, even though it is not a potential or actual conflict of interest.

Respondent was not present. Investigator Pacheco summarized the case and the Stipulated Final Order. Pacheco advised that it appears that Cross violated ORS 244 when she contacted Sheriff Hunter using his personal number that she would not otherwise have access to but for holding her position.

Commissioner McAuley moved that the Commission approve the proposed Stipulated Final Order as the final order and the chairperson be authorized to sign it as such. Roll call was taken as follows: Metler, aye; Helt, aye; McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Thompson, abstain. Motion passed 6-0, 1 abstention.

Public Session Item 18, 23-417EAM – Kevin Dahlgren, City of Gresham
Recommendation: \$3,000 Penalty
Investigator: Daniel Pacheco

Respondent was not present. Investigator Pacheco summarized the case and the Stipulated Final Order. He advised that it appears Dahlgren violated ORS 244.040 and 244.120 when he used his personal rewards cards numbers when purchasing items for the City.

Commissioner McAuley moved that the Commission approve the proposed Stipulated Final Order as the final order and the chairperson be authorized to sign it as such. Roll call was taken as follows: Metler, aye; Helt, aye; McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Thompson, aye. Motion passed 7-0.

Before moving into executive session, Commissioner Resendiz Gutierrez declared a potential conflict of interest for Executive Session Items #10 and 41 as the entities are clients of his firm, and Item #13 due to a personal relationship. Commissioner Helt declared a potential conflict of interest for Executive Session Item #10.

Vice Chair Thompson read the executive session script providing the statutory provisions for the executive sessions to discuss preliminary reviews.

The Commission convened into Executive Session at 9:15 a.m.
(File 2)

EXECUTIVE SESSIONS

To consider Preliminary Reviews pursuant to the following authorities:

- ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection;
- ORS 244.260(4)(c) and (d), requiring Preliminary Reviews to be kept confidential and requiring the Commission to consider Preliminary Reviews in executive session; and
- ORS 192.685(1), requiring public meetings law complaints to be considered as provided in ORS 244.260, which includes the confidentiality and executive session requirements of ORS 244.260(4)(c) and (d).

EXECUTIVE SESSION CONSENT CALENDAR

The following Public Meetings Law cases have been placed on the executive session consent calendar for dismissal, per ORS 192.685(3), as the complaints did not document that the mandatory grievance process had been satisfied.

Executive Session Item 1, 26-079PCF – Jonathan Light, Lane Co. Sch. Dist. 19

Executive Session Item 2, 26-081PCF – Jonathan Light, Lane Co. Sch. Dist. 19

Commissioner McAuley moved that the Commission approve the Executive Session Consent Calendar as presented to the Commission. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

End of Executive Session Consent Calendar.

Reports of Preliminary Review

Facilitated by Investigators

Executive Session Item 3, 25-809EDP, Angelita Morillo, City of Portland

Executive Session Item 4, 25-810EDP, Sameer Kanal, City of Portland

Executive Session Item 5, 25-811EDP, Mitch Green, City of Portland

Executive Session Item 6, 25-812EDP, Tiffany Koyama Lane, City of Portland

Executive Session Item 7, 25-813EDP, Candace Avalos, City of Portland

Recommendations: Move to Dismiss

Investigator: Daniel Pacheco

The City of Portland ethics cases were heard together. None of the respondents were present. Investigator Pacheco summarized the preliminary reviews and the

recommendations. The “Peacock group” from the Portland City Council received pro bono legal services from Ben Haile through a legal expense trust fund which is permitted under Oregon Government Ethics Law.

Helt asked about pro bono services and reimbursement from the State. Investigator Pacheco clarified that some of Ben Haile’s firm does some work where the state reimburses the firm. Helt asked if Haile’s firm would be reimbursed by the State for representing the Peacock group.

Attorney Ben Haile joined the meeting via Teams. Haile confirmed that his firm is not receiving any compensation or reimbursement, from the State or anyone else, for representing the Peacock group. The work is pro bono.

Executive Session Item 3, 25-809EDP – Angelita Morillo

Commissioner McAuley moved that the Commission dismiss the complaint against Angelita Morillo. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

Executive Session Item 4, 25-810EDP – Sameer Kanal

Commissioner McAuley moved that the Commission dismiss the complaint against Sameer Kanal. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

Executive Session Item 5, 25-811EDP – Mitch Green

Commissioner McAuley moved that the Commission dismiss the complaint against Mitch Green. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

Executive Session Item 6, 25-812EDP – Tiffany Koyama Lane

Commissioner McAuley moved that the Commission dismiss the complaint against Tiffany Koyama Lane. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

Executive Session Item 7, 25-813EDP – Candace Avalos, City of Portland

Commissioner McAuley moved that the Commission dismiss the complaint against Candace Avalos. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

Executive Session Item 8, 25-828EJS – Suze Riley, City of Maupin

Recommendation: Move to Dismiss

Investigator: Josh Sullivan

Respondent was not present. Investigator Sullivan summarized the case and advised that it appears that Riley did not serve as a realtor for the transactions in question for development permits.

Commissioner McAuley moved that the Commission dismiss the complaint against Suze Riley. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

Executive Session Item 9, 25-824ECF – Emily Collins, Columbia Development Authority

Recommendation: Move to Dismiss

Investigator: Casey Fenstermaker

Respondent was not present. Investigator Fenstermaker summarized the case and the recommendation. Fenstermaker advised it appears that Collins did not violate ORS 244 as she did not take action that could or would affect her financially as she was never a voting member of the CDA, has never asked for a pay increase, did not draft the grant budget and did not advise the CDA board, Executive Director or Executive Assistant on the grant budget amounts.

Commissioner McAuley moved that the Commission dismiss the complaint against Emily Collins. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

Executive Session Item 10, 26-007EJS – Tobias Read, Secretary of State

Recommendation: Move to Dismiss

Investigator: Josh Sullivan

Respondent was not present. Investigator Sullivan summarized the case and the recommendation to dismiss. Sullivan noted that Read's campaign finance charges were handled by staff and followed applicable statutes and rules.

Commissioner McAuley moved that the Commission dismiss the complaint against Tobias Read. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, abstain; Helt, abstain; Metler, aye; Thompson,

aye. Motion passed 5-0, 2 abstentions.

Metro - 82nd Avenue Transit Project Community Advisory Committee (CAC)

Executive Session Item 11, 25-798PDP – Jacob Loeb, 82nd Ave CAC

Executive Session Item 12, 25-799PDP – Jessica Curtis, 82nd Ave CAC

Executive Session Item 13, 25-800PDP – Sokho Eath, 82nd Ave CAC

Executive Session Item 14, 25-801PDP – Terry Epperson, 82nd Ave CAC

Executive Session Item 15, 25-802PDP – Ana Gonzalez, 82nd Ave CAC

Executive Session Item 16, 25-803PDP – Meghan Humphreys, 82nd Ave CAC

Executive Session Item 17, 25-804PDP – Jay Jones, 82nd Ave CAC

Executive Session Item 18, 25-805PDP – Gretchen Kolderup, 82nd Ave CAC

Executive Session Item 19, 25-806PDP – Eden Melgar, 82nd Ave CAC

Executive Session Item 20, 25-807PDP – Thomas Ngo, 82nd Ave CAC

Executive Session Item 21, 25-808PDP – Franklin Ouchida, 82nd Ave CAC

Recommendation: Move to Investigate Possible Violations of ORS 192.670(3)

Investigator: Daniel Pacheco

Jacob Loeb and Jay Jones were present via Teams. All other respondents were not present. Investigator Pacheco summarized the cases and the recommendation to move to investigate possible violations.

Respondent Jones addressed the Commission and said that he is one of many members of the committee. He stated that they do not vote on anything and do not speak directly to Tri-Met. He stated that he is there to help make sure that businesses have representation on the busiest road in Clackamas County.

Respondent Loeb stated on the date of the meeting in question he had resigned his position on the Board of the 82nd Ave Business Association. He understood that by doing so he would be ineligible to serve on the CAC. This was confirmed just before the meeting started. But he was allowed to stay through the meeting so as to say his goodbyes. He stayed quiet for the duration of the meeting. Overall, he said the committee was treated more like a focus group.

Helt asked Loeb if he was actually a member of the 82nd Avenue Transit Committee at the meeting in question. Loeb stated that it is a bit fuzzy. Helt asked Jones what he meant by the committee being a sounding board. Jones explained that they talk to people and give feedback.

Resendiz Gutierrez asked, based on the work they are doing, whether they are providing advice to the Tri-Met Board. Loeb stated that he does not feel that they provide advice; they are like a survey group. Jones clarifies that the Tri-Met gets their feedback, but he does not believe Tri-Met could name any of them.

Janci inquired if all meetings were recorded. Jones stated that he was not sure and that he always attended in person.

Director Myers explained that if Tri-Met created the committee to be an advisory body, then the committee is a governing body and subject to Public Meetings Law. She advised that the formation documents state they are an advisory body.

McAuley reiterated that it would be nice to issue Letters of Education during Preliminary Review. Helt stated that she would not vote to move forward with an investigation and a letter of education.

Burke stated that Tri-Met creates policy and this committee provides information and feedback and is a governing body and should be treated as such.

Executive Session Item 11, 25-798PDP – Jacob Loeb

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Jacob Loeb may have violated ORS 192.670(3) and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, nay; Metler, nay; Thompson, aye. Motion passed 5-2.

Executive Session Item 12, 25-799PDP – Jessica Curtis

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Jessica Curtis may have violated ORS 192.670(3) and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, nay; Metler, nay; Thompson, aye. Motion passed 5-2.

Executive Session Item 13, 25-800PDP – Sokho Eath

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Sokho Eath may have violated ORS 192.670(3) and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, abstain; Helt, nay; Metler, nay; Thompson, aye. Motion failed 4-2, 1 abstention.

Executive Session Item 14, 25-801PDP – Terry Epperson

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Terry Epperson may have violated ORS 192.670(3) and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, nay; Metler, nay; Thompson, aye. Motion passed 5-2.

Executive Session Item 15, 25-802PDP – Ana Gonzalez

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Ana Gonzalez may have violated ORS 192.670(3) and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, nay; Metler, nay; Thompson, aye. Motion passed 5-2.

Executive Session Item 16, 25-803PDP – Meghan Humphreys

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Meghan Humphreys may have violated ORS 192.670(3) and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, nay; Metler, nay; Thompson, aye. Motion passed 5-2.

Executive Session Item 17, 25-804PDP – Jay Jones

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Jay Jones may have violated ORS 192.670(3) and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, nay; Metler, nay; Thompson, aye. Motion passed 5-2.

Executive Session Item 18, 25-805PDP – Gretchen Kolderup

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Gretchen Kolderup may have violated ORS 192.670(3) and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, nay; Metler, nay; Thompson, aye. Motion passed 5-2.

Executive Session Item 19, 25-806PDP – Eden Melgar

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Eden Melgar may have violated ORS 192.670(3) and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, nay; Metler, nay; Thompson, aye. Motion passed 5-2.

Executive Session Item 20, 25-807PDP – Thomas Ngo

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Thomas Ngo may have violated ORS 192.670(3) and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, nay; Metler, nay; Thompson, aye. Motion passed 5-2.

Executive Session Item 21, 25-808PDP – Franklin Ouchida

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Franklin Ouchida may have violated ORS 192.670(3) and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, nay; Metler, nay; Thompson, aye. Motion passed 5-2.

City of Ashland, Trail Advisory Committee (Ashland TAC)

Executive Session Item 22, 25-754PCF – Stefani Seffinger, Ashland TAC

Executive Session Item 23, 25-774PCF – Adrian Bender, Ashland TAC

Executive Session Item 24, 25-775PCF – Ethan Braught, Ashland TAC

Executive Session Item 25, 25-776PCF – Josh Cott, Ashland TAC

Executive Session Item 26, 25-777PCF – Brooke Hansen, Ashland TAC

Executive Session Item 27, 25-778PCF – Torsten Heycke, Ashland TAC

Executive Session Item 28, 25-779PCF – Yu Kuwabara, Ashland TAC

Executive Session Item 29, 25-780PCF – Eric Hansen, Ashland TAC

Executive Session Item 30, 25-781PCF – Justin Adams, Ashland TAC

Recommendation: Move to Dismiss

Investigator: Casey Fenstermaker

Respondents were not present. Investigator Fenstermaker summarized the cases and the recommendations to dismiss. The complaint alleged the Committee violated Public Meetings Law by mislabeling a trail by different names. Fenstermaker determined that the agenda and proposal supported the same names.

Commissioner McAuley moved the Commission dismiss the complaints against Stefanie Seffinger, Adrian Bender, Ethan Braught, Josh Cott, Brooke Hansen, Torsten Heycke, Yu Kuwabara, Eric Hansen, and Justin Adams. Roll call was taken as follows: Metler, aye; Helt, aye; McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Thompson, aye. Motion passed 7-0.

The Commission recessed for a break from 10:26 a.m. – 10:33 a.m.

City of Shady Cove

Executive Session Item 31, 25-772PJS – Kathy Nuckles, City of Shady Cove

Executive Session Item 32, 25-782PJS – Jeffrey Vanier, City of Shady Cove

Executive Session Item 33, 25-783PJS – John Edwards, City of Shady Cove

Recommendation: Move to Investigate Possible Violations of ORS 192.650(1)

Investigator: Josh Sullivan

Respondent Kathy Nuckles was present. Respondents Vanier and Edwards were not present. Investigator Sullivan summarized the cases and the recommendation to move to investigate. Sullivan advised it appears they may have violated Public Meetings Law by providing incomplete minutes.

Nuckles addressed the Commission and stated that their minutes were only missing a sentence or two. She stated that their city is in turmoil right now and that a letter of education comes with a guilty verdict.

Thompson stated that he feels they have received education by speaking with Investigator Sullivan and he is willing to support a motion to dismiss. Helt and Resendiz Gutierrez agreed with Thompson.

Commissioner McAuley moved the Commission dismiss the complaints against Kathy Nuckles, Jeffrey Vanier, and John Edwards. Roll call was taken as follows: Metler, aye; Helt, aye; McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Thompson, aye. Motion passed 7-0.

City of Waldport

Executive Session Item 34, 25-755XDP – Greg Dunn, City of Waldport

Executive Session Item 35, 25-760XDP – Gerald Townsend, City of Waldport

Executive Session Item 36, 25-761XDP – Richard Booth, City of Waldport

Executive Session Item 37, 25-762XDP – Jayme Morris, City of Waldport

Executive Session Item 38, 25-763XDP – Susan Woodruff, City of Waldport

Executive Session Item 39, 25-764XDP – Michelle Severson, City of Waldport

Executive Session Item 40, 25-765XDP – Heide Lambert, City of Waldport

Recommendation: Move to Dismiss

Investigator: Daniel Pacheco

Respondents were not present. Investigator Pacheco summarized the cases and the recommendation to dismiss as it appears no decision was made in the November 19, 2025 executive session.

Commissioner McAuley moved that the Commission dismiss the complaints against Greg Dunn, Gerald Townsend, Richard Booth, Jayme Morris, Susan Woodruff, Michelle Severson, and Heide Lambert. Roll call was taken as follows: Metler, aye; Helt, aye; McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Thompson, aye. Motion passed 7-0.

Three Sisters Irrigation District (TSID)

Executive Session Item 41, 25-789PSM – Marc Thalacker, TSID

Executive Session Item 42, 25-790PSM – Karl Nulton, TSID

Executive Session Item 43, 25-791PSM – Don Boyer, TSID

Recommendation: Move to Investigate Possible Violations of Public Meetings Law, ORS 192.630(1), ORS 192.640, ORS 192.650, OAR 199-050-0020 and OAR 199-050-0055

Investigator: Casey Fenstermaker

Respondents Marc Thalacker, Karl Nulton and Don Boyer were present via Teams. Respondent Thalacker explained that he would speak for all three of them. Investigator Fenstermaker summarized the cases and the recommendation to move to investigate, as it appears the board members discussed topics outside a properly noticed public meeting, which led to a failure to issue a meeting notice and failure to take appropriate meeting minutes.

Thalacker addressed the Commission and stated the manager duties were delegated to him. He stated that there was no new position and to say that is silly. He had been overseeing the two managers. They determined in 2024-25 that TSID needed more daily supervision. Emilia Ellington had already assumed several managerial duties. Basically, she submitted a proposal saying if we did change things in the future, she would like to be District manager. The mistake that occurred was that Don didn't give her clear description of what the agenda item should be. Legal counsel has been reviewing agendas and giving Emilia advice. The new Board of Directors ratified the Board's decision at the February meeting.

McAuley asked Fenstermaker if there was additional information to gather or work to do. Fenstermaker explained that she would conduct individual interviews with each of the respondents and with Emilia Ellington and request additional records.

Thompson said he was on the fence. He doesn't like it when we are being weaponized. McAuley commented that sometimes things need to move forward to gather information that may lead to dismissal. She said she's in favor of moving forward with an investigation to let the process continue and see where we end up. Janci echoed McAuley's comments. He thinks there is value in completing the investigation.

Executive Session Item 41, 25-789PSM – Marc Thalacker

Commissioner McAuley moved the Commission find there is a substantial, objective basis for believing that Marc Thalacker may have violated ORS 192.630(1), ORS 192.640, ORS 192.650, OAR 199-050-0020 and OAR 199-050-0055 and that the Commission should investigate accordingly. Roll call was

taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, abstain; Helt, aye; Metler, aye; Thompson, aye. Motion passed 6-0, 1 abstention.

Executive Session Item 42, 25-790PSM – Karl Nulton

Commissioner McAuley moved that the Commission find there is a substantial, objective basis for believing that Karl Nulton may have violated ORS 192.630(1), ORS 192.640, ORS 192.650, OAR 199-050-0020 and OAR 199-050-0055 and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, abstain; Helt, aye; Metler, aye; Thompson, aye. Motion passed 6-0, 1 abstention.

Executive Session Item 43, 25-791PSM – Don Boyer

Commissioner McAuley moved that the Commission find there is a substantial, objective basis for believing that Don Boyer may have violated ORS 192.630(1), ORS 192.640, ORS 192.650, OAR 199-050-0020 and OAR 199-050-0055 and that the Commission should investigate accordingly. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, abstain; Helt, aye; Metler, aye; Thompson, aye. Motion passed 6-0, 1 abstention.

Own Motion Preliminary Reviews

None.

Other Items

None.

Reconvene Regular Open Session

The Commission adjourned the Executive Session at 11:03 a.m.

(File 3)

Reconvene Regular Open Session

The Commission reconvened Public Session at approximately 11:03 a.m.

CONSENT CALENDAR

Recommendation: Letters of Education

Lobbyist Penalty Correspondence

None.

Lobbyist Client Penalty Correspondence

Public Session Item 4, Anti-Defamation League: 2025 Q4, \$120

Public Session Item 5, City of Cascade Locks: 2025 Q4, \$110

Public Session Item 6, Fiat Lux Modus: 2025 Q4, \$40

Public Session Item 7, Flexible Finance, Inc.: 2025 Q4, \$140

Statement of Economic Interest Penalty Correspondence

None.

Commissioner McAuley moved that the Commission approve the Consent Calendar as presented. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

End of Consent Calendar

Lobbyist Penalty Reductions

Presented by Executive Director

Public Session Item 8, Emily Hughes: Recommendation - 2025 Q1, Letter of Education; 2025 Q2, \$500; 2025 Q3 \$1,137; 2025 Q4 \$450
Director Myers summarized the recommendation.

Commissioner McAuley moved that the Commission approve the recommended filing penalty reduction as presented. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

Lobbyist Client Penalty Reductions

Presented by Executive Director

Public Session Item 9, Oregon Medical Examiners Assoc.: Recommendation - 2025 Q1, Letter of Education; 2025 Q2, \$500; 2025 Q3 \$1,137; 2025 Q4 \$450
Director Myers summarized the recommendation.

Commissioner McAuley moved that the Commission approve the recommended filing penalty reduction as presented. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

Public Session Item 10, Pearson; Rec: 2025 Q4, \$65

Director Myers summarized the recommendation.

Commissioner McAuley moved that the Commission approve the recommended filing penalty reduction as presented. Roll call was taken as follows: McAuley,

aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

Statement of Economic Interest Penalty Reductions

None.

STIPULATED FINAL ORDERS – Consent Calendar

Recommendation: Letter of Education

Commissioner Resendiz Gutierrez declared a potential conflict of interest for agenda items #15 & #16 and asked that they be voted on separately.

Public Session Item 11, 25-221ELG – Nikki Wood, City of Lakeside

Public Session Item 12, 25-607EDP – Sherrie Wilkins, North Gilliam County

Public Session Item 13, 25-609EDP – Brian Foster, North Gilliam County

Public Session Item 14, 25-730ECF – Joel Peterson, Columbia Development Authority

Commissioner McAuley moved that the Commission approve the proposed Stipulated Final Orders on the consent calendar, Items 11-14, as the final orders in those cases and that the chairperson be authorized to sign them as such. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, aye; Helt, aye; Metler, aye; Thompson, aye. Motion passed 7-0.

Public Session Item 15, 25-351EJS – Kathryn Harrington, Clean Water Services

Public Session Item 16, 25-355EJS – Pam Treece, Clean Water Services

Commissioner McAuley moved that the Commission approve the proposed Stipulated Final Orders on the consent calendar, Items 15-16, as the final orders in those cases and that the chairperson be authorized to sign them as such. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, abstain; Helt, aye; Metler, aye; Thompson, aye. Motion passed 6-0, 1 abstention.

End of Consent Calendar

DEFAULT FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS – Consent Calendar.

None.

REPORTS OF INVESTIGATIONS

Commissioner Resendiz Gutierrez declared a potential conflict of interest for agenda items #19 & #20 and stated he would not vote.

Public Session Item 19, 25-354EAM – Nafisa Fai, Clean Water Services

Recommendation: Move to Dismiss

Investigator: Josh Sullivan

Sullivan summarized the case and the recommendation to dismiss as the official compensation package authorized her to receive personal travel awards while traveling on official CWS business.

Commissioner McAuley moved that the Commission dismiss the complaint against Nafisa Fai. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, abstain; Helt, aye; Metler, aye; Thompson, aye. Motion passed 6-0, 1 abstention.

Public Session Item 20, 25-356EAM – Jerry Willey, Clean Water Services

Recommendation: Move to Dismiss

Investigator: Josh Sullivan

Sullivan summarized the case and the recommendation to dismiss as the official compensation package authorized him to receive personal travel awards while traveling on official CWS business. Helt asked about the compensation and miles. Sullivan clarified.

Commissioner McAuley moved that the Commission dismiss the complaint against Jerry Willey. Roll call was taken as follows: McAuley, aye; Janci, aye; Burke, aye; Resendiz Gutierrez, abstain; Helt, aye; Metler, aye; Thompson, aye. Motion passed 6-0, 1 abstention.

OPINIONS, ADVICE, AND CORRESPONDENCE

Advisory Opinions

Facilitated by Staff

None.

Staff Opinions

None.

Staff Advice – Informational Letters

Public Session Item 21, 26-083I – Cathy Watt, Chamber of Medford and Jackson County

Re: Lobbying and gift exception in ORS 244.020(7)(b)(H)

Public Meetings Law Training Approval Letters

Public Session Item 21-A, 25-114T – League of Oregon Cities, PML Training Extension Approval

Public Session Item 21-B, 25-119T – Beery Elsner & Hammond LLC, PML Training Extension Approval

Public Session Item 21-C, 25-130T – Special Districts Association of Oregon, PML Training Approval

Other Correspondence

None.

Miscellaneous Items

Facilitated by Staff

Public Session Item 22, Trainers' Report

Trainer Chris Brubaker summarized the training team activities since the last meeting.

Public Session Item 23, Executive Director's Report

Director Myers summarized agency activities from the last director's report. She explained the three different bills that are currently active in the 2026 Legislative session that came out of the Public Meetings Law Work Group.

The Commission adjourned the meeting at approximately 11:38 a.m.

The next regularly scheduled Commission meeting will be April 10, 2026, at 3218 Pringle Road SE, Suite 220, Large Conference Room, Floor 2, Salem, Oregon 97302.

Now therefore, after considering the relevant portions of the Commission's file relating to this matter, the Oregon Government Ethics Commission enters the following Order by Default in the matter of Julie Hoy:

FINDINGS OF FACT

1. At all material times Respondent Julie Hoy was the elected Mayor for the City of Salem. As Mayor, Julie Hoy was a voting member of the City Council, which is a governing body of a public body under ORS 192.610. Respondent is also a "person" and a "public official" under ORS 192.685, ORS 244.260, ORS 244.270, ORS 244.350. As a person and public official who is a member of the governing body of a public body, Julie Hoy was required to comply with the provisions of Public Meetings Law in ORS 192.610 to ORS 192.705.
2. Between February 1, 2025 and February 14, 2025, Julie Hoy participated in the convening of a meeting with a quorum of the Salem City Council, through serial communications and acting as an intermediary. The convening of the meeting occurred outside of public view and without compliance with the Public Meetings Law notice and meeting minute requirements. The matters discussed at the meeting were within the jurisdiction of the City Council to deliberate or decide and included topics involving the City's leadership audit, City Manager Keith Stahley's performance, and whether to terminate City Manager Keith Stahley's employment with the City.
3. Julie Hoy used a series of in-person, written, and telephone communications and acted as an intermediary for the purpose of a quorum of the City Council deliberating or deciding on a matter within the City Council's jurisdiction. Specifically, the purpose was to deliberate or decide on the City's leadership audit, City Manager Keith Stahley's performance, and whether to terminate City

Manager Keith Stahley's employment with the City.

4. The City Council convened the meeting without providing notice of the meeting to the public and news media. The City Council did not take meeting minutes or record the meeting convened.

CONCLUSION OF LAW

1. Julie Hoy violated ORS 192.630(1), ORS 192.630(2), OAR 199-050-0015(4), and OAR 199-050-0020(1) and (2) by participating in the convening of a meeting outside of public view.
2. Julie Hoy violated ORS 192.640(1) by participating in a meeting without providing notice of the meeting to the public and the news media.
3. Julie Hoy violated ORS 192.650(1) by participating in a meeting without taking meeting minutes or recording the meeting.
4. Under the authority of ORS 244.350(5), ORS 244.370, ORS 244.390, OAR 199-008-0015 and Tables A and B, the Commission may impose a Letter of Education in lieu of a civil penalty. The maximum potential penalty for these violations is a Letter of Education [ORS 244.350(5), OAR 199-008-0015].

ORDER

Julie Hoy committed one violation of ORS 192.630(1), one violation of ORS 192.630(2), one violation of ORS 192.640(1), one violation of ORS 192.650(1), one violation of OAR 199-050-0015(4), and one violation of OAR 199-050-0020(1) and (2).

The Commission orders that Julie Hoy be issued a Letter of Education in lieu of any civil penalties for her violations of ORS 192.630(1), ORS 192.630(2), ORS 192.640(1), ORS 192.650(1), OAR 199-050-0020(1) and (2), and OAR 199-050-0015(4).

NOTICE

You are entitled to seek judicial review of this order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within sixty days from the service of this Default Final Order. Judicial review is pursuant to the provisions of ORS 183.482.

Date

Shenoa Payne, Chairperson
Oregon Government Ethics Commission

Date of Mailing:_____



Oregon

Tina Kotek, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: mail@ogec.oregon.gov

Website: www.oregon.gov/ogec

March 17, 2026

Sent via email

Dr. Elizabeth Steiner
Oregon State Treasurer
c/o Katie Slebodnik, Executive Assistant
900 Court Street
Salem, Oregon 97301

RE: Advice No. 26-1271

Dear Dr. Elizabeth Steiner,

Thank you for reaching out to the Oregon Government Ethics Commission (Commission) with your inquiry regarding the acceptance of a scholarship and travel expenses to participate in the Hunt-Kean Leadership Fellows program. This analysis and advice is being offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances that have been presented.

You have been invited to participate in the Hunt-Kean Leadership Fellows program. This program is sponsored by the Hunt Institute, a 501(c)(3) corporation, to provide political leaders with the knowledge, skill and will to be effective, well-informed education policymakers at the state level. The Fellows program includes two in-person sessions, as well as access to experts and a broader network of leaders and stakeholders, and regional site visits. According to the material provided, the Hunt-Kean Leadership Fellows program has invited you to participate as a Fellow in its Cohort 12, which will have two sessions: the first on December 10th through December 12th, 2025, and the second on August 5th through August 7th, 2026. The Hunt Institute will provide you with a tuition-free participation in the Fellows program and will cover round-trip travel expenses to participate in the two sessions, as well as hotel and ground transportation. While the invitation has also been extended to your staff and a guest, only your Chief Program Officer, Barry Ford, will attend the December 2025 session and no guests are expected to participate. Your request for guidance asks whether the scholarship and travel expenses, for yourself and your Chief Program Officer, would fall within any of the gift exceptions in ORS Chapter 244.

Under most circumstances when a public official is offered food, lodging and travel expenses at no cost to the public official, it would be considered a gift as defined in ORS 244.020(7)(a), and subject to the gift limitations in ORS 244.025. There are exceptions

that allow a public official to accept certain items, such as paid expenses for food, lodging and travel. In pertinent part, ORS 244.020(7)(b)(H) allows acceptance of the payment of reasonable expenses for food, travel or lodging expenses provided to a public official, and a relative, household member, or staff member accompanying that public official, when the public official is representing state government on an officially sanctioned trade-promotion or fact-finding mission or in officially designated negotiations or economic development activities.

To qualify for this gift exception, the following criteria must be met. First, the public official must be representing state government, a local government or a special government body.

Second, the purpose of the activity or trip must be for trade-promotion or a fact-finding mission, or for negotiations or economic development activities where receipt of expenses is approved in advance. The Commission has adopted an Administrative Rule that defines a “fact finding mission or trip” as “any activity related to a cultural or educational purpose, or any activity aimed at providing intergovernmental assistance, such as for the purpose of international aid or sharing best practices, or developing intergovernmental relationships directly related to the public official’s duties. The sponsor of a fact-finding mission should be directly and immediately associated with the event, or the location being visited.” [OAR 199-005-0001(2)].

Third, the activities must be “officially sanctioned or officially designated,” which requires written approval by a state or local public body or by a person authorized by the public body to provide that approval. When the activity is officially designated as negotiations or economic activity, the written notice will include approval for the public official to accept the payment of reasonable expenses. [OAR 199-005-0020(3)(b)]. The Administrative Rule goes on to clarify that elected officials holding the position of the Governor, Secretary of State, and in relevant part, the State Treasurer, have the authority to officially sanction or designate for themselves to approve the acceptance of paid expenses. [OAR 199-005-0020(3)(b)(D)].

Based on the information provided, assuming you and your staff will be attending the Hunt-Kean Leadership Fellows program in your official capacities, as representatives of state government, that would satisfy the first criteria. For the second criteria, the Hunt-Kean Leadership Fellows program would appear to qualify as a fact-finding mission, as it has a cultural or educational purpose and is aimed at sharing best practices and developing intergovernmental relationships. For the third criteria, you and your staff will need to follow the procedure(s) required by the Oregon State Treasury office to ensure the activities are officially sanctioned or designated to attend the Hunt-Kean Leadership Fellows program. In this case, you may create a written record to approve and sanction the trip for yourself and your staff.

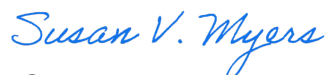
Assuming that all three criteria are satisfied, then it would appear that under the gift exception in ORS 244.020(7)(b)(H), you and your staff could accept the food, travel and lodging expenses paid by the Hunt Institute for your attendance at the Leadership Fellows program.

Dr. Elizabeth Steiner
Advice No. 26-127
March 17, 2026
Page 3

Finally, as you are required to file an Annual Verified Statement of Economic Interest (SEI), please note that ORS 244.060(5) requires SEI filers to identify all expenses with an aggregate value exceeding \$50 received during the preceding calendar year when accepting reasonable food, travel, or lodging expenses as described in ORS 244.020(7)(b)(H). The Hunt Institute, as the source paying the expenses for the Fellows program, should provide you with written notice of the expenses paid within 10 days.

If you have any additional questions or need further clarification, please feel free to contact me directly.

Sincerely,



Susan V. Myers
Executive Director

*****DISCLAIMER*****

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.

OGEC Training Report

April Commission Meeting Facilitators

- **Room/Online Facilitator: Lex**
- **Participation Facilitator: Ruth**
- **Facilitation Lead/Media Contact: Stephanie**

Trainings Completed (February 24, 2026 – March 30, 2026)

These trainings are hosted by public bodies across the state both online and in-person. Some hosted training sessions are open to public officials from other governing bodies to attend. The public body who hosts the training is listed first, followed by the public bodies represented by other attendees.

Area of Law	Public Body	Location
ORS 192	State Boards and Commissions	Online
ORS 244	City of Springfield	Portland
ORS 192	City of Lincoln City	Lincoln City
ORS 244	City of Lincoln City	Lincoln City
ORS 244	Oregon Government Finance Officers Association Conference	Sunriver
ORS 192	City of Gervais	Gervais
ORS 192	Board of Psychology	Salem

OGEC Webinars (February 24, 2026 – March 30, 2026)

These online trainings are open to anyone to sign-up for through our website. Most of the topics are offered once a month. Public Meetings Law webinars are currently offered at least once a week.

Area of Law	Webinar Topic	February	March
ORS 244	New Employee		1 Session
ORS 244	New Councilor or Commissioner		1 Session
ORS 244	Use of Office/Conflicts of Interest	1 Session	
ORS 244	Gifts		1 Session

ORS 244	Jurisdictional Contact		
ORS 244	Statement of Economic Interest Filer		6 Sessions
ORS 192	Public Meetings Law	1 Session	4 Sessions
ORS 192	Executive Sessions	1 Session	1 Session
ORS 171	Lobby Law		

Training Highlights

Accessibility Compliance

- We completed a manual audit of our website for WCAG 2.1 compliance.
- We have updated most items on our end to be compliant with the 2.1 criterion and are working with Tyler Tech for the items on their end.
- We will have an update for next month's meeting with a better timeline of the remaining needed items for full compliance.
- We are working to further accessibility goals with more accessible templates, guides, and internal projects.

Communications

- The quarter one issue of the Ethics Matters newsletter was sent out after the book was printed. Commissioners should have received it via email. A copy will be included in the next meeting book.

Statement of Interest (SEI) Season

SEI season is moving right along, and:

- All trainers have presented SEI filer trainings.
- New staff have been participating in the SEI filing call rotation.

Training Requests

- Our training calendar is full through April and we are booking training requests for May and beyond. Many entities have already begun submitting their requests for this late summer and fall.

Training Staff

Trainers

Angela Nolan	503-378-8066	angela.nolan@ogec.oregon.gov
Chris Brubaker	503-378-2059	chris.brubaker@ogec.oregon.gov
Lex Tingey	503-378-2245	lex.tingey@ogec.oregon.gov

Ruth Sylvester 503-378-2060 ruth.sylvester@ogec.oregon.gov

Administrative Support

Molly Putnam 503-378-5108 training@ogec.oregon.gov

Curriculum and Training Coordinator

Stephanie Heffner 503-378-6802 stephanie.heffner@ogec.oregon.gov

EXECUTIVE DIRECTOR'S REPORT 03/31/2026

Budget

- For 2025-2027, we have a surplus of approximately \$431,195.66 (as of February 2026)
- For 2027-2029, our Agency Request Budget is due June 26, 2026.

2027 Legislative Concepts

The deadline for submission of our proposed legislative concepts is April 10, 2026. Our proposals include the following:

- Giving OGEC the authority to accept electronic payments
- Amending the investigation period timeline to have the 180 days end on the date the investigation report is signed by the Executive Director
- Adding clarifying language and "Member of the Household" to the conflict of interest budget vote disclosure exception
- Clarifying the language in the Honorarium statute
- Amending the definitions of "business with which associated" to address non-profit corporations for which the person is a paid employee
- Increasing the maximum statutory civil penalties for violations of the ethics laws
- A placeholder for a future Public Meetings Law legislative concept

Statement of Economic Interest Updates

The filing window for 2026 SEIs opened on 3/15 and the filing deadline is 4/15.

- There are over 6,000 public officials required to file SEIs.
- As of 3/31, approximately 2579 filers have submitted their SEIs.
- For our Commissioners, all of you are required to file an SEI. I note that there are two of you whose SEI reports are still marked pending (not submitted), and three who have not filed yet. Please file before the April 15th deadline.
- Staff are available to answer questions or to help you file.

OREGON GOVERNMENT ETHICS COMMISSION
AY27 CASH FLOW
AS OF FEBRUARY 2026 ACTUALS

	Appn 30000 - Admin - PCA 41501				Appn 70000 - GF - PCA 00501			
	Actuals To Date	Actuals + Projected	2025-2027 LAB	Variance	Actuals To Date	Actuals + Projected	2025-2027 LAB	Variance
Beginning Cash Balance	1,041,552.16	1,041,552.16	715,787.00		-	-	-	
REVENUE			18,521.00					
0415 ADMINISTRATIVE AND SERVICES CHARGES	3,520,307.53	7,004,742.00	7,005,742.00	1,000.00	-	-	-	0.00
0505 FINES AND FORFEITS	551.43	551.43	-	(551.43)	93,176.08	93,176.08	50,000.00	(43,176.08)
0975 OTHER REVENUE	-	-	-	0.00	-	-	-	0.00
Total Revenue	3,520,858.96	7,005,293.43	7,740,050.00	448.57	93,176.08	93,176.08	50,000.00	(43,176.08)
TRANSFERS								
2010 TRANSFER OUT TO OTHER FUNDS	-	-	-	0.00	-	-	-	0.00
1107 TRANSFER IN FROM DEPT OF ADMIN SVCS	-	-	(50,000.00)	(50,000.00)	-	-	-	0.00
Total Transfers	-	-	(50,000.00)	(50,000.00)	-	-	-	0.00
Total Available Revenues			7,690,050.00					
PERSONAL SERVICES								
3110 CLASS/UNCLASS SALARY & PER DIEM	771,887.49	2,670,945.69	2,717,088.00	46,142.31	-	-	-	0.00
3115 BOARD MEMBER STIPENDS	4,806.00	24,742.00	29,065.00	4,323.00	-	-	-	0.00
3160 TEMPORARY APPOINTMENTS	-	-	548.00	548.00	-	-	-	0.00
3170 OVERTIME PAYMENTS	-	-	-	0.00	-	-	-	0.00
3190 ALL OTHER DIFFERENTIAL	7,942.87	23,781.27	-	(23,781.27)	-	-	-	0.00
3210 ERB ASSESSMENT	300.00	972.00	1,080.00	108.00	-	-	-	0.00
3220 PUBLIC EMPLOYEES' RETIREMENT SYSTEM	172,706.54	597,546.61	534,682.00	(62,864.61)	-	-	-	0.00
3221 PENSION BOND CONTRIBUTION	34,869.95	127,170.22	99,125.00	(28,045.22)	-	-	-	0.00
3230 SOCIAL SECURITY TAX	60,654.67	208,532.94	195,827.00	(12,705.94)	-	-	-	0.00
3241 PAID LEAVE OREGON-EMPLOYER	3,171.48	10,325.82	10,163.00	(162.82)	-	-	-	0.00
3250 WORKERS' COMPENSATION ASSESSMENT	146.12	561.98	630.00	68.02	-	-	-	0.00
3260 MASS TRANSIT	4,678.80	15,992.62	15,344.00	(648.62)	-	-	-	0.00
3270 FLEXIBLE BENEFITS	196,386.43	601,672.44	636,120.00	34,447.56	-	-	-	0.00
3465 RECON ADJUSTMENT	-	-	-	0.00	-	-	-	0.00
Total Personal Services	1,257,550.35	4,282,243.60	4,239,672.00	(42,571.60)	-	-	-	0.00
SERVICES AND SUPPLIES								
4100 INSTATE TRAVEL	3,967.04	67,967.04	25,398.00	(42,569.04)	-	-	-	0.00
4125 OUT-OF-STATE TRAVEL	-	-	-	0.00	-	-	-	0.00
4150 EMPLOYEE TRAINING	4,897.11	84,897.11	25,453.00	(59,444.11)	-	-	-	0.00
4175 OFFICE EXPENSES	5,103.55	17,903.55	38,980.00	21,076.45	-	-	-	0.00
4200 TELECOMM/TECH SVC AND SUPPLIES	9,194.09	33,194.09	49,674.00	16,479.91	-	-	-	0.00
4225 STATE GOVERNMENT SERVICE CHARGES	95,169.42	186,666.67	195,536.00	8,869.33	-	-	-	0.00
4250 DATA PROCESSING	47,074.67	106,421.78	124,288.00	17,866.22	-	-	-	0.00
4275 PUBLICITY & PUBLICATIONS	590.00	590.00	2,490.00	1,900.00	-	-	-	0.00
4300 PROFESSIONAL SERVICES	367.26	367.26	12,119.00	11,751.74	-	-	-	0.00
4315 IT PROFESSIONAL SERVICES	189,607.50	827,407.50	957,186.00	129,778.50	-	-	-	0.00
4325 ATTORNEY GENERAL LEGAL FEES	196,210.50	876,753.30	915,394.00	38,640.70	-	-	-	0.00
4375 EMPLOYEE RECRUITMENT & DEVELOPMENT	-	-	5,161.00	5,161.00	-	-	-	0.00
4400 DUES AND SUBSCRIPTIONS	-	-	3,018.00	3,018.00	-	-	-	0.00
4425 FACILITIES RENT & TAXES	46,711.80	142,470.92	201,106.00	58,635.08	-	-	-	0.00
4575 AGENCY PROGRAM RELATED SVCS & SUPP	745.26	745.26	52,100.00	51,354.74	-	-	-	0.00
4650 OTHER SERVICES AND SUPPLIES	104,520.97	219,339.42	330,813.00	111,473.58	-	-	-	0.00
4700 EXPENDABLE PROPERTY \$250-\$5000	86.44	86.44	32,820.00	32,733.56	-	-	-	0.00
4715 IT EXPENDABLE PROPERTY	7,958.40	7,958.40	75,000.00	67,041.60	-	-	-	0.00
Total Services and Supplies	712,204.01	2,572,768.74	3,046,536.00	473,767.26	-	-	-	0.00
5900 OTHER CAPITAL OUTLAY								
TOTAL EXPENDITURES	1,969,754.36	6,855,012.34	7,286,208.00	431,195.66	-	-	-	0.00
Ending Cash Balance*	2,592,656.76	1,191,833.25			93,176.08	93,176.08		

*Outstanding Revenue Invoices not taken into consideration, See Appn Tabs

285,625.51 Avg Monthly Expenditures

1,191,833.25 Projected Cash Ending Balance

4.17 Month Ending Balance

. Level 3 - Restricted

OREGON GOVERNMENT ETHICS LAW GUIDE FOR PUBLIC OFFICIALS



Oregon Government Ethics Commission

3218 Pringle Rd. SE, Suite 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

Web address: www.oregon.gov/ogec

Disclaimer

The Guide for Public Officials (Guide) is a resource developed by Oregon Government Ethics Commission (OGEC) staff and approved by the Commission. It includes summaries of statutes and rules, definitions of key terms, and examples. It is not intended to be legal advice.

This Guide covers only the laws within OGEC's jurisdiction. Other laws or regulations may apply to the examples described in this Guide. Information on OGEC's jurisdiction can be found on [page 10](#), on the Commission's website, or can be obtained by reaching out to OGEC staff.

Public officials should not use this Guide as a substitute for reviewing statutes and rules. It is intended to cover common topics and questions OGEC hears from public officials and members of the public.

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DRAFT

Introduction

In 1974, voters approved a statewide ballot measure to create the Oregon Government Ethics Commission (OGEC). The measure created laws listed in Chapter 244 of the Oregon Revised Statutes (ORS).

OGEC currently has the authority to administer and enforce provisions in three separate areas of the law:

- Government Ethics Law (Ethics Law) - ORS Chapter 244
- Lobbying Regulation Law (Lobby Law) - ORS 171.725 to 171.785 and 171.992
- Public Meetings Law (PML) - ORS 192.610 to 192.705

This Guide focuses on Ethics Law and discusses how certain provisions of Ethics Law apply to public officials. Those provisions include conflicts of interest, prohibited use of office, gifts, private employment, nepotism, and statements of economic interest. It discusses some common examples that OGEC staff often see in either requests for advice or during enforcement proceedings. It also summarizes OGEC procedures.

This Guide does not cover all possible restrictions for public officials and does not address every possible aspect of Ethics Law. It is each public official's responsibility to use the resources and training available to make sure they understand Ethics Law.

Each public official may have other laws, rules, policies, procedures, or ordinances that apply to them based on the jurisdiction they serve. A public official should seek guidance from their human resources representative, union representative, or legal counsel for questions about what other laws, rules, or policies apply to the position the public official holds.

While the focus of this Guide is on the Ethics Law, it does cover some provisions that may also apply to lobbying activities, specifically when lobbying activity involves paying expenses for meals, lodging, travel, entertainment, or other financial benefits to a legislative or executive official. OGEC publishes a separate guide for lobbyists and their

clients/employers. For questions about registering as a lobbyist, lobbying activities, or reporting lobbying expenditures, see the [Guide to Lobbying in Oregon](#).

This Guide does not address Public Meetings Law. The Commission's administrative Rules, OAR 199, clarify provisions of PML. [The Attorney General's Public Records and Meetings Manual](#) (AG Manual) also covers Public Meetings Law in detail.

OGEC's [website](#) has links to all of the following:

- ORS Chapter 244
- ORS Chapter 171.725 to 171.785 and 171.992
- ORS Chapter 192.610 to 192.705
- Relevant Oregon Administrative Rules (OAR)
- Other publications referenced in this Guide

Questions or comments can be submitted to OGEC by:

- email at mail@ogec.oregon.gov
- telephone at 503-378-5105
- fax at 503-373-1456

OGEC believes it is important for all public officials to receive training on Ethics Law. Public officials are encouraged to reach out to OGEC staff to take advantage of the free training and resources OGEC provides. For more information on the types of training offered by OGEC, see [page 77](#).

Oregon Government Ethics Commission

In this Guide, the term Oregon Government Ethics Commission (OGEC) refers to the agency, while the term Commission refers to the governing body.

The Commission

The Commission is made up of 9 **commissioners**. No more than three commissioners with the same political party affiliation may be appointed to serve at the same time.

Commissioners are recommended as follows:

- Senate Democratic leadership recommends two commissioners
- Senate Republican leadership recommends two commissioners
- House Democratic leadership recommends two commissioners
- House Republican leadership recommends two commissioners
- The Governor recommends one commissioner

After a recommendation is made, the Governor appoints the Commissioners to the governing body of OGEC. The Governor is responsible for appointing all Commissioners. Each appointee is then confirmed by a vote of the Senate.

Commissioners are limited to two four-year terms. An appointee may fill another Commissioner's unfinished term. If that happens, the Commissioner can be reappointed to another full four-year term. If a Commissioner's term is up, but a replacement has not yet been confirmed by the Senate, that Commissioner may serve until their replacement is confirmed.

The Commissioners select a chairperson and vice chairperson each calendar year by vote.

The Agency

The agency and its staff are led by an Executive Director. When one Executive Director leaves or retires, the Commission assists in the interview process and votes to appoint

a new Executive Director.

OGEC staff is made up of 14 people divided into three teams: administrative, training, and investigatory. Agency staff provide training, written opinions, and advice, both written and over the phone. They also conduct investigations when OGEC receives complaints regarding public officials. The Oregon Department of Justice provides legal counsel.

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Ethics Law Policy

The policy provisions in Ethics Law focus on public trust and clearly state that service as a public official is a public trust and that the Ethics Law serves as one safeguard of that trust.

Code of Conduct for Public Officials

The Commission adopted an aspirational Code of Conduct for public officials. It states:

As an elected, appointed, employed, or volunteer public official, I acknowledge that I am subject to compliance with Oregon Government Ethics law as set forth in ORS Chapter 244. In the conduct of my official duties as a public official, I will act ethically when I:

- Uphold the public trust by safeguarding the public money and resources
- Behave in an open, honest, and transparent manner
- Conduct the public's business fairly and objectively
- Disclose financial conflicts of interest
- Do not use my public position for personal gain
- Observe limits on the receipt of gifts

Jurisdiction

The *jurisdiction* of OGEC is limited to provisions in:

- Ethics Law: ORS Chapter 244
- Lobby Law: ORS Chapter 171.725 to 171.785 and 171.992
- Public Meetings Law: ORS 192.610 to 192.705
- Oregon Administrative Rules (OAR) Chapter 199

OGEC's jurisdiction does not include:

- Campaign finance and campaign activities – The Elections Division of the Secretary of State's Office handles those issues
- Criminal activity – Criminal activity is handled by Federal, State, or local law enforcement
- Employment-related sexual harassment or discrimination on the basis of race, religion, disability, or gender – Those cases are investigated by the Oregon Bureau of Labor and Industries
- Public Records Law – The initial enforcement is handled by county District Attorneys or the Department of Justice, depending on the public body
- Tribal Law – As sovereign nations, each tribe has laws, codes, and judicial systems that govern their members and territories. Questions should be referred to the applicable tribe

A public official may do something viewed as “unethical,” but that action may not violate Ethics Law. The following are examples of conduct by public officials that OGEC may not be able to address:

- Making promises or claims that are not fulfilled
- Mismanaging or exercising poor judgment when managing public money
- Being rude
- Blocking members of the public from their social media accounts
- Retaliatory actions
- Actions taken by a public official when they are not acting in their official capacity

- Abuses of power

While Ethics Law and other laws administered by OGE may not cover the behavior above, other statutes, administrative rules, or policies may address the public official's behavior.

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Public Officials

The first step in understanding Ethics Law is to understand who the law applies to - individual public officials. Ethics Law does not apply to state and local public bodies or government agencies.

There are approximately 260,000 public officials in Oregon. They include:

- The First Partner
- Any person serving:
 - The State of Oregon
 - Any State of Oregon **political subdivision**
 - Any public body outlined in ORS 172.109
 - An **agent** of the State of Oregon or its political subdivisions or any public body

Political subdivisions refer to units of government created by and under the authority of a higher government. For example, if a state is divided into counties, the counties are political subdivisions of the state. Political subdivisions can include:

- Counties
- Cities
- School Districts
- Special Districts, such as water districts, road districts, and cemetery districts

The following are examples of public officials, whether they are paid or not:

- The spouse or domestic partner of the Governor
- A person elected or appointed to an office or position with a state, county, regional, or city government
- A person elected or appointed to an office or position with a special district
- An employee of a state, county, city, intergovernmental agency, or special district
- An unpaid volunteer for a state, county, regional, city, intergovernmental agency,

or special district

- An agent of the State of Oregon, its political subdivisions or any **public body**. An **agent** is any person performing governmental functions. This may include private contractors and volunteers

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Definitions

The cornerstone of Ethics Law is preventing public officials from using, or trying to use, their official positions to obtain a financial benefit for any of the following:

- Themselves
- Their relatives
- Members of their household
- Businesses with which they, their relatives, or the members of their household are associated

Understanding who is a relative, who is a member of a public official's household, and what is a business with which a person is associated, as used in Ethics Law, is important. Public officials need to be aware of these relationships as they perform their official duties.

Ethics Law restricts some choices, decisions, or actions of public officials, and holds them to a higher standard than members of the public. The following are just a few examples of decisions or actions that a public official might take:

- Voting in a public meeting
- Placing a signature on a government agency's document
- Making a recommendation
- Purchasing supplies

Public officials must consider Ethics Law before taking an **official action**, making a decision, participating in an event, or accepting a gift. This could include approving a project, making a recommendation, or deciding not to act on a certain issue.

Each public official is individually responsible for following the law. Public officials cannot blame their government employer or the public body they represent for their personal failure to follow the law. OGE staff is available to offer advice and answer questions on how Ethics Law may apply to future or hypothetical situations.

Relative

In everyday conversation, the word “relative” describes many kinds of family ties. This casual definition of relative is broader than the legal definition used in Ethics Law. When Ethics Law refers to a “relative,” it means one of the following:

- The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law, or daughter-in-law of a public official or candidate
- The parent, stepparent, child, sibling, stepsibling, son-in-law, or daughter-in-law of the spouse of a public official or candidate
- Any person that the public official or candidate is legally obligated to support
- Any person who receives benefits from the public official’s public employment
- Any person who provides benefits from their own employment to the public official or candidate [ORS 244.020(16)]

Examples of the benefits mentioned in the last two bullet points may include, but are not limited to, parts of an **official compensation package** such as insurance, tuition, or retirement benefits. For more information on what an official compensation package is and what can be included in it. See [page 41](#).

Member of the Household

A “member of the household” or household member is defined as any person who lives in the same home with the public official or a candidate. [ORS 244.020(11)]. This could include relatives, other family members, friends, or roommates. A member of the household would include tenants who live in the same unit as the public official.

A member of the household does not include individuals who are living on the same property but who are residing in a separate dwelling, such as alternative dwelling units (ADUs), apartments, and residences with their own entrances and addresses.

Whether or not the person pays rent does not matter for purposes of whether an individual is considered a member of the household.

There are provisions in Ethics Law that:

- Prohibit a public official from using or trying to use their position or office to benefit a relative or household member ([see page 39](#))
- Limit the value of financial benefits their relatives or household members can accept ([see page 58](#))
- Require the public official to reveal any conflicts of interest when a relative or household member may receive a financial benefit ([see page 23](#))
- Restrict a public official from employing or supervising their relative or household member ([see page 69](#))

A business with which a person is associated

A “business” is a corporation, partnership, organization, self-employed individual, or any legal entity formed to produce economic gain. [ORS 244.020(2)].

The definition of business does not include:

- Income-producing non-profit corporations that are tax exempt under section 501(c) of the Internal Revenue Code if the public official or a relative is one of the following:
 - a member of the non-profit
 - a member of its board of directors
 - a volunteer or someone who holds an unpaid position.
- Governmental entities, such as state governments, local governments, or special government bodies, because they are not legal entities formed to produce economic gain.

Once a public official knows that an entity meets the definition of a business, they must then determine if it is a “business with which they are associated.” It is a business with which they are associated if the public official, their relative, or their household member:

- Is a director, officer, owner, employee, or agent of the private business or closely held corporation
- Holds, or held during the past calendar year, stock, stock options, an equity

interest, or debt instruments worth \$1,000 or more in the private business or closely held corporation

- Is a director or officer of the publicly held corporation
- Currently owns, or has owned during the past calendar year, stock, stock options, an equity interest, or debt instruments of \$100,000 or more in the publicly held corporation
- Listed the business as a source of income on the public official's Statement of Economic Interest, if they are required to file one. For more information on Statements of Economic Interest and which public officials are required to file one, see [page 76](#)

There are provisions in Ethics Law that:

- Prohibit a public official from using or trying to use their position or office to benefit a business the public official is associated with ([see page 16](#))
- Require a public official to reveal any conflicts of interest when a business the public official is associated with may receive a financial benefit ([see page 23](#))

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HANDOUT PAGE 1

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HANDOUT PAGE 2

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Public Official Frequently Asked Questions:

If I am a volunteer with a local fire district, am I a public official?

Yes. If a person volunteers on behalf of the State of Oregon, any of its political subdivisions, or any other public body in the State of Oregon, they are a public official. This is true whether the position is paid or not.

OGEC recognizes that many people volunteer without pay for state and local government agencies, boards, commissions, and special districts. Volunteers may be elected, appointed, or selected by a government agency or public body. Examples of volunteer public officials may include:

- Members of State Boards or Commissions
- City Councilors
- Planning Commissioners
- Firefighters
- School District Board Members

If I am an employee of a state agency, is that a business with which I am associated?

No. Government entities do not meet the definition of business. Since they are not a business, they cannot be a business with which a public official is associated.

I sit on the board of a nonprofit. Is the nonprofit a business with which I am associated?

It depends. The first question the public official has to work through is whether the nonprofit meets the definition of a business. The term business does not include income-producing 501(c) nonprofit corporations if the public official is only associated with that nonprofit as either a member, a board director, or in an unpaid capacity.

Assuming that the nonprofit is organized as an income-producing 501(c), the nonprofit would not be a business with which the public official is associated because they are a board member.

I am a city councilor. My spouse is a paid employee of a 501(c) nonprofit. Is the nonprofit a business with which I am associated?

It depends. The first question is whether the nonprofit meets the definition of a business. The term business does not include income-producing 501(c) nonprofit corporations if the public official, or their relative or household member, is only associated with that nonprofit as either a member, a board director or in an unpaid capacity. In this case, the public official's spouse is a paid employee of a nonprofit, so the nonprofit *would* meet the definition of a business as defined in Ethics Law.

The next question is whether the nonprofit is a business with which the public official is associated. A business with which the public official is associated generally includes:

- Private businesses or closely held corporations, in certain situations
- Publicly held corporations, in certain situations
- Any business listed as a source of income on a public official's statement of economic interest as required by ORS 244.060(3)

Since the 501(c) nonprofit is not a private business, closely held corporation, or publicly held corporation, the question of whether the nonprofit is a business with which the public official is associated hinges on whether the nonprofit is (or should be) listed as a source of income on a public official's Statement of Economic Interest. As will be discussed later in this Guide, not all public officials are required to file a Statement of Economic Interest. Those that are required to do so must disclose those businesses that produce 10% or more of the public official's household's income. [ORS 244.060(3)].

"Income" is defined as income of any nature from any source, including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of debt, or anything of economic value.

Because a city councilor is required to file a Statement of Economic Interest, if the city councilor's spouse's income from the nonprofit is less than 10% of the household's

income, the nonprofit would not be a business with which the public official is associated. If the spouse's income from the nonprofit is more than 10% of the household's income, the nonprofit would be a business with which the public official is associated.

OGEC staff gets a lot of questions about nonprofits and whether they are businesses with which a public official is associated. Each situation is unique, depending on the structure of the nonprofit, the relationship to the public official, and the actions the public official is taking. OGEC staff is available to walk public officials through the relevant questions step-by-step to help determine if a specific nonprofit is a business with which the public official is associated.

I am a public official. I have an alternative dwelling unit that I rent; is the person who rents from me a household member?

It depends. Things that the Commission may take into consideration in making that determination include:

- Are there separate entrances?
- Are the home and the ADU attached?
- Do the home and the ADU have separate addresses?

I am a school board member, and my cousins are employed by the school district as teachers. Do they count as relatives?

No. Cousins, aunts, uncles, and grandparents are not relatives as the term is used in Ethics Law.

Conflicts of Interest

A public official is met with a conflict of interest when making a decision, recommendation, or taking an official action that would or could financially affect, positively or negatively:

- The public official
- A relative of the public official
- A member of the public official's household
- A business with which either the public official, their relative, or a member of their household is associated.

How to Identify a Conflict of Interest

In Ethics Law, there are two types of conflicts of interest:

1. A **potential** conflict of interest – A potential conflict of interest exists when the action, decision, or recommendation of the public official **could** financially impact any of the individuals or businesses listed above. [ORS 244.020(13)].
2. An **actual** conflict of interest – An actual conflict of interest exists when the action, decision, or recommendation of the public official **would** financially impact any of the individuals or businesses listed above. [ORS 244.020(1)].

It is important to note that the types of conflicts of interest addressed in Ethics Law are limited to *financial* conflicts of interest.

How to Address a Conflict of Interest

Conflicts of interest often arise because public officials are involved in their communities, are employed by a private business, or own their own business. Having a conflict of interest is not a bad thing. What is important is identifying conflicts of interest and properly disclosing them.

If a public official has a conflict of interest, they must declare that a conflict of interest

exists and describe the nature of the conflict. That means the public official must describe how an issue or vote would or could financially affect the public official, their relative, a household member, or a business with which the public official, their relative, or their household member is associated. Ethics Law requires different disclosures for different types of public officials. They are outlined below.

Legislative Assembly

Members of the Legislative Assembly must publicly announce the nature of their conflicts of interest in the way required by the rules of the house that they serve. Ethics Law requires that the public announcement occur before the legislator takes any action on the matter. [ORS 244.120(1)(a)].

According to an Oregon Attorney General Opinion, only the Legislative Assembly may investigate and **sanction** its members for violations of conflict of interest disclosure rules in ORS 244.120 with regard to their performance of legislative functions. [49 Op. Atty. Gen. 167 (1999) issued on February 24, 1999].

The public announcement of conflicts of interest by legislators as well as the limits on who can investigate and sanction legislators only applies to the legislator while they are performing their responsibilities as legislators. For example, if a legislator is also employed by a city as its Director of IT, when a conflict of interest arises while serving as a public official for the city, the individual would be required to declare their conflicts of interest like any other appointed official under ORS 244.120(1)(c). The Commission would have the authority to investigate and sanction the public official if they failed to properly declare their conflicts of interest as it related to their position at the city.

Judges

Judges must remove themselves from cases where a conflict of interest exists or advise the parties of the nature of the conflict of interest. [ORS 244.120(1)(b)].

Public Employees

Public officials hired as public employees or agents, or who volunteer with public bodies, must give written notice of their conflict of interest to the person who appointed or employed them (appointing authority). The appointing authority is often the public employee's supervisor. The written notice must describe the nature of the conflict of interest and request the appointing authority resolve it. The appointing authority must resolve the conflict by assigning a different person to handle the task or by directing the public official to address the matter in a specific manner.

It is important to note that the public official has met their legal requirement once they have provided the written notice to their appointing authority. That is true even if the appointing authority fails to respond and provide the required guidance on how to address the conflict of interest. [ORS 244.120(1)(c)].

Elected officials or appointed members of boards and commissions

Elected officials (other than legislators) and those appointed to boards and commissions must publicly announce the nature of their conflict of interest before taking any official action on the matter.

That means the announcement must be made in a public meeting. As part of the public announcement, the public official is required to provide enough information to describe the nature of their conflict of interest and to indicate whether it is a potential conflict of interest or an actual conflict of interest. This distinction is necessary because the law requires that the public official take different actions depending on the type of conflict of interest they are faced with:

- Potential conflict of interest: After publicly announcing a potential conflict of interest, the public official may participate in official action on the matter. That means that the public official may discuss or vote on the matter out of which the conflict arises [ORS 244.120(2)(a)]

- Actual conflict of interest: After publicly announcing an actual conflict of interest, the public official must not participate in any official action on the matter. That means the public official cannot discuss the matter or vote on the matter

There are two exceptions, where a public official with an actual conflict of interest can still vote:

- **Minimum Vote Exception:** If a public official has an actual conflict of interest, but their vote is necessary to meet the minimum number of votes needed to take action, the public official may vote. They must still announce their conflict of interest, and they cannot participate in any discussion or debate on the matter. They may only participate in the vote required for official action. Once the minimum number of votes to take action has occurred, any voting by other members with an actual conflict of interest would be in violation of Ethics Law. [ORS 244.120(2)(b)(B)].
- **Budget Vote Exception:** If the official action being taken is an adoption of a local budget that includes compensation or benefits for the public official or their relative, the public official must publicly announce their actual conflict of interest, specifically stating that the budget includes compensation or benefits for themselves or their relative. Once that announcement is made, the public official may participate in the discussion and may vote on the adoption of the budget. This does not apply to voting on the approval of the adoption or the amendment of any compensation, stipend, or other benefits. [ORS 244.120(2)(b)(C)].

Executive Sessions and Conflict of Interest Disclosures

Public officials cannot make a conflict of interest disclosure in an executive session.

If a public official has a conflict of interest about a matter being discussed in an executive session, the disclosure must be made in a public meeting before entering into the executive session.

If a matter comes up during an executive session, and a public official determines they

have a conflict of interest regarding that matter, there are a few ways that the public official can address the issue:

- The governing body can exit the executive session and return to a properly noticed public session of a public meeting. Once in the public session, the public official can then make their conflict of interest announcement. Following the disclosure, the governing body can return to executive session
- If the executive session is not part of a public meeting, and there is no public session to return to, the public official can leave the executive session, after stating on the record that they are doing so. The public official can return to the executive session once the matter out of which the conflict arises has been addressed and is no longer being discussed
- The governing body can postpone any discussion of the matter to a future executive session, which would allow the public official to make their conflict of interest disclosure in a public meeting prior to entering that future executive session

The Commission recognizes that some elected officials, such as sheriffs, district attorneys, or statewide office holders like the Secretary of State or the State Treasurer, do not hold public meetings. For those public officials who do not hold public meetings, the Commission has determined they can meet the conflict of interest disclosure requirement by other means reasonably determined to notify members of the public. This may include issuing a press release or posting the announcement on the public body's website.

Limited Exceptions to the Conflict of Interest Disclosure Requirement

There are specific, limited situations in which, even if there is a financial impact, a public official may not have a conflict of interest and may not need to make a conflict of interest disclosure. There are three exceptions to note:

1. A conflict of interest may not exist if the financial impact arises from the public official's membership or interest held in a business, industry, occupation, or other

class, and that membership is required by law to hold their public official position. [ORS 244.020(13)(a)].

One example of this appears in Staff Advisory Opinion 19-136S. In that Opinion, the governing body was required to include one person with banking experience. A U.S. Bank employee was appointed to the governing body. The exception in ORS 244.020(13)(a) only applies to that person's decisions or actions that would or could affect members of the banking industry as a whole. If the person made any decisions or took any actions that would or could affect the specific bank that the person worked for, that would result in a conflict of interest and the exception would not apply.

2. A conflict of interest may not exist if the public official, their relative, their household member, or a business with which any of those people are associated, are members of an identifiable group or "class," and if the official action would financially impact them to the same degree as all other members of that class. [ORS 244.020(13)(b)].

The Commission is authorized to identify a group or class and decide the minimum size of that class. The number of people affected to the same degree as the public official will help determine if this exception applies.

Please note that in order for the Commission to make a determination in advance of a public official taking an action, a commission advisory opinion would be required. Such an opinion generally takes 60 days or more to be written by Commission staff and approved by the Commission at a public meeting.

A public official may believe that a class exception applies and take action without seeking a commission advisory opinion from the Commission. There is a risk in doing so because the Commission may not agree that a class exists. If the Commission disagrees that a class exists, the public official who acted should have declared a conflict of interest and, in not doing so, violated Ethics Law.

The Commission has issued several Commission Advisory Opinions that public officials may find helpful that address class exceptions. Commission Advisory Opinion 19-240A examines whether a class exception exists for three separate school board members, all of whom have relatives employed at the district. The opinion walks through how the class exception would or would not apply to each public official based on the position their relatives hold and whether or not their relatives would all be affected to the same degree as the other members of a class by the school board's actions. The opinion demonstrates how the same law, applied to different circumstances, can have very different outcomes.

3. A conflict of interest may not exist if the financial impact arises from the public official's directorship on the board of, or membership in, a 501(c) nonprofit corporation. [ORS 244.020(13)(c)].

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Conflicts of Interest Frequently Asked Questions:

I am a fire district employee. I am working on developing a request for proposals for accounting services. My brother works at an accounting firm, organized as a limited liability corporation, that provides services to public entities. Do I have a conflict of interest?

Yes. There is a potential conflict of interest because the accounting firm is a business, and your brother is an employee of that private business. That makes the accounting firm a business with which the public official is associated. Because the accounting firm is a business with which the public official is associated, and because the accounting firm *could* bid on the request for proposals the public official is developing, the public official has a potential conflict of interest that must be disclosed in writing.

I serve as the contract administrator for a city. My spouse recently started a position with a consulting company that has a contract with the city. The consulting company is organized as an LLC. The contract with the city was in place before my spouse began working for the consulting company. My spouse is not performing work under the contract with the city. Do I have a conflict of interest when making decisions or recommendations about the consulting company's contract?

Yes. There is a conflict of interest because the consulting company is a business and your spouse is an employee of that private business. That makes the consulting company a business with which the public official is associated. The consulting company is a business with which the public official is associated, and the public official may take actions or may make decisions or recommendations about the consulting company's contract that either could or would have a financial impact on the consulting company. Each time that the contract administrator is required to take an action or make a decision, or recommendation regarding the consulting company's contract, the contract administrator will be required to declare their conflict of interest in writing.

I am a county commissioner. My friend's company was selected for a county contract. The county commissioners are scheduled to vote on whether to

approve the contract at the next public meeting. Do I have a conflict of interest because my friend's company is getting the contract?

No. A friend is not considered a relative or a household member (unless, of course, that friend lives with the public official), so a conflict of interest declaration is not required in that situation.

If the public official believes it is important to disclose the relationship with the friend and the friend's company, the public official can do so. OGEC staff recommends that the disclosure not be referred to as a conflict of interest because:

- It is not a conflict of interest under Ethics Law, and
- Calling it a conflict of interest requires the public official to take certain steps under Ethics Law.

If a public official believes it's important to disclose a relationship that is not required to be disclosed under Ethics Law, the public official could, for example, state: "For the record, my friend is the owner of the company selected for this contract. However, this is not a conflict of interest because the friend is not a relative, a household member, and the company is not a business that I am associated with."

I am employed by a parks and recreation district and my job is to review applications and issue permits for private events in the district. My daughter applied for a permit to operate a food truck in one of the district's parks for the summer. Do I have a conflict of interest?

Yes. In your role as a public official, you make recommendations and decisions and take actions regarding permit applications for park use. The question you need to ask is whether you are taking an action or making a recommendation or decision that would financially impact your daughter, who is a relative. If you approve the application, your daughter would be negatively financially impacted because she would not be able to operate her food truck in the park. If you reject the application, your daughter would be positively financially impacted because she would be able to operate her food truck in the district's park. Because there is a financial impact to your relative, you are required

to declare your conflict of interest in writing.

I am employed by a private construction company that does business with the city. I would like to run for city council. I've been told that I cannot run for city council because I have a conflict of interest. Is that true?

No. Conflicts of interest arise when a person takes an action or makes a decision or recommendation in their capacity as a public official. Simply being employed by a company that does business with the city does not mean that you have a conflict of interest that would prohibit you from running for city council under Ethics Law.

If you are elected to the city council, and you are required to take actions or make decisions or recommendations that would or could financially impact your employer, then you would be required to declare a conflict of interest as it relates to that specific action, decision, or recommendation.

The city may have rules on who can hold a seat on city council; while something may be permitted under Ethics Law, local jurisdictions may have stricter rules as part of their charter, ordinances, rules, or bylaws. You will need to check to see if your particular situation would violate any city-specific laws or rules.

There is a vacant seat on the health district board. A current board member's spouse wants to join the board, too. Isn't that a conflict of interest?

No. There is nothing in Ethics Law that would prohibit spouses, relatives, or household members from sitting on the same board, commission, city council or similar governing body.

One issue presented by spouses, relatives or household members sitting on the same board include that they may have the same conflicts of interest arise, potentially limiting their ability to participate in discussions, deliberations or votes on the matters out of which the conflict of interest arises. Another issue that may present a conflict of interest would include how the spouse of the current board member joins the board. Were they

elected to the board by votes? Or are they appointed by the current board members? If the spouse is appointed by current board members, the current board member would need to be careful to follow the Ethics law requirements regarding nepotism. [See page 69.](#)

I am an elected official, and I have a conflict of interest. Is it enough to state, “I have a conflict of interest” in a public meeting?

No. Ethics Law requires that a public official not only disclose that they have a conflict of interest; the public official has to also describe the nature of that conflict. That means that the public official has to state the reason that there is a conflict of interest.

Is a public official required to announce the nature of a conflict of interest each time the matter is discussed?

Yes. Each time a public official is met with a conflict of interest, they must disclose the nature of the conflict, even if they have declared the conflict of interest at a previous meeting or provided a written notice regarding the matter at a different time. For example:

- A city councilor with a conflict of interest must make a public announcement in each meeting where the matter creating the conflict is discussed. If the matter creating the conflict of interest comes up at a later meeting, the city councilor must disclose it again at that meeting.
- An employee in a city planning department must give a separate written notice each time they need to take an official action related to property owned by their relative.

I am an elected official, and I have a conflict of interest. When should I declare it?

Conflicts of interest must be disclosed before the matter out of which the conflict arises is discussed or voted upon. Conflicts of interest must be disclosed during the public session of a public meeting. While not required, OGEC staff recommends that a conflict of interest be disclosed at the beginning of a public meeting. That way, if the matter out of which the conflict arises comes up earlier in the meeting than planned on the agenda,

or comes up in a different context, the public official has met their disclosure requirement.

If someone files a complaint with the Commission because a public official failed to disclose a conflict of interest, and the Commission determines the public official violated Ethics Law, can the Commission undo the action or decision taken by the public official?

No. The Commission does not have the authority to undo the public body's actions or to remove a public official from office. The Commission can only impose penalties ranging from a letter of education or reprimand to a financial penalty.

How is the public announcement or written disclosure of the nature of a conflict of interest recorded?

The public body served by the public official must record disclosures of a conflict of interest in its official records. For example, written disclosures should be maintained in a personnel file, while verbal disclosures at a public meeting should be included in meeting minutes, or audio or video recordings of public meetings.

I serve as a board member for a planning commission and the agenda for the next public meeting will include a proposal to rezone certain properties. The rezoning proposal is going to affect 3 of the 5 planning commission members. If 3 of the 5 planning commission members have an actual conflict of interest and are unable to vote, will the rezoning proposal automatically fail because there are not enough votes to pass it?

No. Each of the three planning commission members have an actual conflict of interest because the rezoning of the property will have a financial impact unique to each planning commission member. As a result, each planning commission member would be required to declare the nature of their conflict of interest and abstain from any discussion or debate on the matter out of which the conflict arises.

Generally speaking, public officials with a conflict of interest cannot vote on a matter out

of which a conflict of interest arises. There is an exception to that prohibition when a public official's vote is needed to reach the number of votes to take action, usually a majority or quorum. Only 2 planning commission members do not have a conflict of interest; that means that one of the public officials who has an actual conflict of interest can vote on the matter, but cannot engage in discussion or debate.

The question many public officials have is: which one of those 3 public officials should be the one to vote? That is a question for the governing body to decide. OGEC staff recommends that if the public body's own laws, rules, policies, or procedures do not address which public official should vote, the public body develop a procedure for determining how it will decide which public official should be the one to vote in situations where the exception applies.

I am a school board member. The school board has seven members. Each of the seven members has a relative employed by the school district. When it's time to vote on the school district's budget, each of the school board members will have an actual conflict of interest because their relatives will financially benefit from the budget. How can we pass the budget?

During the 2025 legislative session, Ethics Law was amended to address this common issue faced by governing bodies throughout Oregon. The exception allows governing body members, like school board members, to vote on budgets that include compensation or benefits for the public official or their relatives, even though the public official has an actual conflict of interest.

The law requires that prior to taking any action on the budget, the public official must publicly declare the nature of their conflict of interest. Once the public disclosure is made, the public official is allowed to participate in the discussion, debate, and vote on the budget. The law still requires public officials to disclose the nature of their conflict of interest each and every time it arises.

When I declare a conflict of interest during the public session of a public meeting,

am I required to leave the room during the discussion and vote on the matter out of which my conflict arises?

No. Ethics Law does not require a public official to leave a meeting after declaring an actual conflict of interest. If the public official remains in the room, they are prohibited from participating in any discussion or vote out of which a conflict arises unless an exception applies.

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Prohibited Use of Position or Office

Ethics Law prohibits public officials from using or trying to use their official position to obtain a financial benefit or to avoid a financial harm (collectively referred to as a financial impact), if the opportunity for that financial impact would not otherwise be available but for the position they hold. The prohibited use of office provisions focus on all of the following:

- financial benefits or avoidance of financial harm for the public official, the public official's relatives and household members
- financial benefits or avoidance of financial harm for a business with which the public official, their relatives, or their household members is associated
- applies to financial benefits or avoidance of financial harm from the public body the public official serves [ORS 244.040(1)]

The following are some examples of prohibited uses of office:

- A state employee uses a government vehicle to take their children to soccer practice
- A school superintendent signs a contract between the school district and the superintendent's spouse
- A city councilor recommends changes to an ordinance that will increase the value of real estate that the city councilor owns
- A water district employee submits a timecard indicating they are entitled to overtime when that employee did not actually work the overtime hours
- An employee at the sheriff's office uses their work-issued computer to generate documents and advertising materials for their personal business

While these examples illustrate prohibited uses of office, they may also represent a conflict of interest under Ethics Law. The prohibited use of office restrictions apply even if a public official disclosed a conflict of interest. For more information on conflicts of interest, see [page 23](#).

There are additional restrictions on how current and even former public officials use their offices or positions.

- A public official is prohibited from directly or indirectly asking for or accepting an offer of future employment based on the understanding that the offer is in exchange for the public official's vote, official action, or judgment. [ORS 244.040(3)].
- Public officials often have access to confidential information not available to the public. ORS 244.040(4) prohibits public officials from using or trying to use confidential information from their position for personal gain.
- A former public official is prohibited from trying to use or using confidential information from their former position for any person's financial gain. [ORS 244.040(5)].
- A public official may not represent their firm's clients before the governing body of which they are a member. Public officials who are members of a governing body may own or be associated with a specific type of business, such as a law firm, engineering firm, or architectural firm that has clients. This type of business may send a spokesperson to appear before the governing body on behalf of its clients. The public official cannot serve as the spokesperson in this situation. [ORS 244.040(6)].
- A current or former public official may not solicit, receive, or use public moneys from a public body to pay a civil penalty imposed on that person by the Commission. [ORS 244.040(7)].

"Confidential information," as used in Ethics Law, is defined very broadly. It means any record that is exempt from public disclosure or inspection under state law, or any information obtained in the course of or by reason of holding a position as a public official that is not publicly disclosed. The record or information is no longer confidential if it has been voluntarily disclosed by the public body or been disclosed through a public records disclosure order or court order. [OAR 199-008-0005(5)].

Exceptions:

The prohibited use of office provisions addresses actions or attempted actions by a public official that will result in a financial benefit or avoidance of financial harm, which are only available to the public official because of the office they hold. There are exceptions, however. The following financial benefits may be accepted by a public official. Some benefits may also be accepted by a public official's relative or a member of the public official's household.

1. Official Compensation

Public officials may accept any financial benefit that is part of their official compensation package. [ORS 244.040(2)(a)]. Common examples of such benefits may include:

- Salary
- Health insurance benefits
- Retirement benefits
- Childcare

OAR 199-008-0005(3) defines "official compensation package" as the wages and other benefits provided to the public official. To be part of an official compensation package, the wages and benefits must:

- Be in writing, and
- Be formally approved by the public body, such as through a union contract, an employment contract, or other adopted personnel policies that apply to employees or other public officials.

The term official compensation package also includes some expense payments, as allowed by the public body's policies.

Anything can be part of a public official's official compensation package if the public body properly identifies the financial benefit in writing and formally adopts the benefit as part of the public official's official compensation package.

Examples include:

- Use of a public body vehicle for personal travel
- Use of public body equipment, such as a computer, camera, or software program, for personal use
- Use of a license or certification paid for by the agency for personal/private use

2. Reimbursement of expenses

A public official may accept payments from the public body as reimbursement for expenses they paid while conducting the public body's business.

The reimbursement of expenses means a public body pays a public official for goods or services the public official paid for while performing their official duties. All reimbursements must meet the requirements of applicable laws and policies. [OAR 199-008-0005(4)]. If the payment of personal expenses does not meet this definition, it may be a financial benefit restricted by Ethics Law.

Often, people use the phrase "reimbursement of expenses" to describe the payment of a public official's expenses by a person or entity other than their public body. That is not reimbursement of expenses as used in ORS 244.040(2)(c) and defined in OAR 199-008-0005(4). Accepting payment of personal expenses from another person or entity is analyzed under other provisions of Ethics Law.

3. Honoraria

Most public officials, their relatives, and members of their household are allowed to accept honoraria as defined in Ethics Law. An honorarium is a payment or something of economic value given in exchange for services when those involved do not customarily set a price. [ORS 244.040(2)(b)].

There are many occasions when someone will offer what they call an honorarium, but it does not meet the definition of honorarium in Ethics Law. For payment to be considered an honorarium, it must meet all of the following:

- Offered for a service (a common example of such an event would be giving a speech)
- That service was delivered in connection with an event
- There is no price for the service set in advance by the recipient or the public official

The Governor, First Partner, Secretary of State, State Treasurer, Attorney General, and Commissioner of the Bureau of Labor and Industries are prohibited by ORS 244.042(4) from soliciting or receiving an honorarium, money, or any other consideration for any speaking engagement or presentation.

4. Awards for professional achievement

Public officials may accept an award if:

- The public official did not solicit the award, and
- The award recognizes professional achievement. [ORS 244.040(2)(d)].

Awards for professional achievement are awards that denote national or international recognition of a public official's achievement. Professional achievement awards may also be offered by public or private organizations to recognize a public official for a distinguished career. Professional achievements may be a single accomplishment or an accomplishment achieved during a period of time, such as a calendar year or a public official's career upon retirement. Examples of professional achievement awards include the Nobel Prize, or Oregon's Teacher of the Year award, presented by the Oregon Department of Education.

Awards of professional achievement are different from:

- Awards of appreciation allowed by ORS 244.020(7)(b)(C)
- Honoraria allowed by ORS 244.040(2)(b)
- Gifts allowed or restricted by other provisions in ORS Chapter 244

5. Contributions to legal expense trust fund

Ethics Law allows public officials to establish legal expense trust funds approved by the Commission. A public official who has established a legal expense trust fund is allowed to solicit, accept, and be the trustee for contributions to the fund. [ORS 244.040(2)(h)]. For more in-depth information on Legal Expense Trust Funds, [see page 73](#).

6. Gifts

Public officials may accept gifts. However, there are restrictions related to the acceptance of gifts. Additionally, some items may not meet the definition of gifts. [ORS 244.040(2)(e)-(g)]. For more in-depth information on Gifts, [see page 58](#).

7. Compensation for Teaching at Post-Secondary Institution

A public official is allowed to accept compensation paid for teaching one or more courses at a ***post-secondary institution***. Accepting this compensation does not result in a prohibited use of office. This is true even if one of the reasons the teaching position is offered is because of the position the public official holds. [ORS 244.040(2)(i)].

Prohibited Use of Office Frequently Asked Questions

I sit on the board of a nonprofit. One of my responsibilities at the nonprofit is to apply for grants. I'm also employed by a state agency that administers grants my nonprofit is interested in applying for. Is the nonprofit prohibited from applying for grants issued by my agency? Am I prohibited from applying for a grant on behalf of the nonprofit?

The answer to both questions is no. In this scenario, when you are applying for the grant on behalf of the nonprofit, you are not acting in your official capacity. If you are responsible for putting together grant requirements or deciding who gets grants at the state agency you are employed by, you are taking an official action, and Ethics Law applies. You would need to do all of the following:

- Decide whether the nonprofit is a business as defined by Ethics Law.
- If the nonprofit is a business, determine whether it is a business with which you are associated.
- If the nonprofit is a business with which you are associated, whether your official actions will result in a financial benefit or the avoidance of a financial detriment to the nonprofit.

For help making these determinations, you can [refer to page 23](#).

I am a city councilor, and I am scheduled to attend a conference in San Francisco. I have family who lives in San Francisco that wants me to arrive a few days before the conference starts, stay with them, and tour the city. Would this be a prohibited use of office?

It depends. Does the city have a policy allowing a city councilor to extend work travel for personal reasons? If there is a policy in place that allows for it, and the public official follows that policy, then it would not be a prohibited use of office. If the city does not have a policy in place allowing a city councilor to extend work travel for personal reasons, then it could result in a prohibited use of office.

I am a county employee, and my job is to create artwork for the county website. In my free time, I am also an artist and sell my artwork online. Can I sell artwork that

I created while working at the county?

No. Work that is done as a public official belongs to the public body. It was completed on public body time with public body resources.

If a public body enters into an agreement with the public official or adopts a policy, making that artwork part of their official compensation package, then the public official would be able to use the artwork as set forth by that policy. Because of the intellectual property rights involved in a scenario like this, OGEC staff would recommend speaking with legal counsel before taking any action.

Aside from ORS 244.040, are there other restrictions on public officials using their positions to avoid personal financial harm?

Yes. If a public official or candidate is accused of workplace harassment and the alleged harassment occurred while they held their position, ORS 244.049 prohibits them from using public money or money from a third party to make payments related to ***a non-disclosure agreement***. This restriction applies to any official or candidate for any elected state, county, district, or city office or position.

Private Employment of a Public Official

Ethics Law does not prevent a public official from having another job or owning a business. However, public officials who work for a business or who own or operate their own business must keep those interests separate from their public positions. This applies to all public officials, including those who are paid for their public service and those who volunteer.

The Commission created the following guidelines to help public officials avoid violating Ethics Law when working for, owning, or operating a business. Public officials must not:

- Use their position as a public official to create the opportunity for additional personal income.
- Use a government entity's supplies, facilities, equipment, employees, records, or any other public resources for the business that they work for, operate, or own.
- Engage in business interests or other employment activities while engaged in their responsibilities as a public official.
- Use confidential information gained through their position as a public official to obtain a financial benefit for themselves.

Accepting an Offer of Outside Employment or Financial Opportunity as a Public Official

Often, public officials are presented with opportunities for employment while serving as public officials. They may be asked to give a presentation for which they'll be paid, may be recruited for a position at a private business, or may see a job opportunity they would like to take advantage of while still serving the public. Generally, Ethics Law does not prohibit a public official from accepting these offers of employment. But Ethics Law does require the public official to consider how the opportunity for these offers of employment arose. The public official must ask themselves two questions:

- Is the job opportunity only available because the person holds their position as a public official?
- Did the person take official action to create the opportunity?

If the answer to either one of the above questions is “yes,” then it is likely a prohibited use of office to accept the offer of employment.

Other Limitations on Outside Employment

This Guide only discusses the restrictions Ethics Law places on private employment. Other laws, rules, policies, procedures, or ordinances may apply. Public officials should seek guidance from their human resources representative, union representative, or legal counsel to find out if the jurisdiction they serve has any restrictions of their own.

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Private Employment Frequently Asked Questions

I am a board member for an irrigation district. My term is almost up. I'd like to apply for an open position as a member of the irrigation district's staff. Would that be prohibited under Ethics Law?

It depends. When a public official is looking to obtain employment, the public official has to ask themselves two questions: Is the job opportunity only available because of the person's position as a public official? Was the job opportunity created because of the position the public official holds? If the answer to either of these questions is yes, it is likely a prohibited use of office to accept the position.

When a public official considers whether the job opportunity is only available because of the person's position as a public official, they should consider:

- Was the position publicly posted?
- Was the position competitively recruited?
- Was the position only offered to the public official?

When a public official considers whether the job opportunity was created because of the position the public official holds, they should consider the following:

- Did the public official create the position while serving as a board member?
How? When?
- Did the public official advocate for the position? How? When?
- Did the public official help to write the position description, job requirements, or other documents regarding the position that is currently available?

I am a board member for an irrigation district. My term is almost up. A company that has a contract with the irrigation district has offered me a job. Would accepting that position be prohibited under Ethics Law?

It depends. Again, when a public official is looking to obtain employment, the public official has to ask themselves two questions: Is the job opportunity only available because of the person's position as a public official? Was the job opportunity created

because of the position the public official holds? Again, if the answer to either of those questions is yes, it is likely a prohibited use of office to accept the position.

Some of the same questions to help the public official drill down are the same as above:

- Was the position publicly posted?
- Was the position competitively recruited?
- Was the position only offered to the public official?

Here, there are some additional questions to consider:

- Does the public official only know of this company and its employees because of the public official's role with the irrigation district?
- Did the public official, as an irrigation district board member, help to create the position that is open with the company? Did the contract with the irrigation district result in the creation of the position that is being offered?
- Is the position being offered to the public official because that public official voted for the company to have the contract with the district?

Prohibited use of office is not the only area of Ethics Law to be concerned about in this situation. The public official would also have to consider what role, if any, they played in authorizing the contract with the company. For more information, [see page 52](#).

I am a public official, and I have been offered a paid speaking opportunity. My previous experience includes public speaking and performing comedy at local clubs, but I was specifically offered this opportunity because I am a public official. Can I accept the paid speaking opportunity?

Based on the information provided, no, the public official would not be able to accept the paid speaking opportunity. That's because the paid speaking opportunity was offered to you because of your position as a public official. If, however, you were offered the paid speaking opportunity because of your previous experience with public speaking and as a comedian, then you would be able to accept the paid speaking opportunity.

This example illustrates that a public official keeps their experience and can use that to obtain employment. Obtaining employment because you are a public official, that is where the prohibited use of office arises.

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Employment of Former Public Officials

Most former public officials may work in the private sector with few restrictions. However, Ethics Law does prevent public officials from using their public positions to create opportunities for employment in the private sector when they leave office. This also applies to positions with a public body if that public official played a role in creating the position with that public body.

Former public officials are prohibited from using or trying to use confidential information gained through their position for anyone's personal gain.

Restrictions Applicable to Specific Positions

Ethics Law restricts the employment of some public officials when they are no longer serving their public body. There are different rules and different timelines for specific former public officials depending on the position they held. Each are discussed below and can be found in ORS 244.045.

State Agency Positions

The restrictions apply to the following state agency positions:

- Director of the Department of Consumer and Business Services
- Administrator of the Division of Financial Regulation
- Administrator of the Oregon Liquor and Cannabis Commission
- Director of the Oregon State Lottery
- Public Utility Commissioner

These positions are restricted in the following ways:

- For one year, the person who held those positions may not be employed by or financially benefit from a private employer in the same industry, activity, or occupation that their agency regulated
- For two years, the person who held those positions may not be a lobbyist for, appear as a representative before, or otherwise attempt to influence their former

agency.

- For two years, the person who held those positions may not disclose confidential information gained from their position

Department of Justice

Ethics Law also restricts the subsequent employment of the following Department of Justice positions:

- Deputy Attorneys General
- Assistant Attorneys General

These positions are restricted in the following ways:

- For two years, those who held these positions may not lobby or appear before the agencies they formerly represented

State Treasury

Ethics Law also restricts the subsequent employment of the following Oregon State Treasury positions:

- State Treasurer
- Deputy State Treasurer

These positions are restricted in the following ways:

- For one year, the person who held the position may not accept employment from or be retained by any private entity that negotiated or received a contract worth \$25,000 or more in a single year from the office of the State Treasurer or Oregon Investment Council, if the contract payment was made while the person was a treasurer
- For one year, the person who held the position may not accept employment from or be retained by any private entity in which the Office of State Treasurer or the Oregon Investment Council invested \$50,000 or more in a single year if the investment occurred while the person was a treasurer
- For one year, the person who held the position may not lobby for an investment

institution, manager, or consultant, or represent an investment institution, manager, or consultant before the office of the State Treasurer or the Oregon Investment Council

Public Officials Who Invested Public Funds

Ethics Law restricts the subsequent employment of public officials who invested public funds.

These positions are restricted in the following ways:

- For two years, the person who held the position may not lobby or appear as a representative before the agency, board, or commission for which they invested public funds
- For two years, the person who held the position may not influence or try to influence the agency, board, or commission
- For two years, the person who held the position may not disclose confidential information gained through their position

State Police

Ethics Law restricts the subsequent employment of any member of the State Police in a position responsible for supervising, directing, or administering programs related to Native American tribal gaming or the Oregon State Lottery.

These positions are restricted in the following ways:

- For one year, the person who held the position may not accept employment from or receive any financial gains related to gaming from the lottery or any Native American Tribe
- For one year, the person who held the position may not accept employment from or receive any financial gains from a private employer that sells gaming products or services
- For one year, the person who held the position may not try to influence the Department of State Police or disclose confidential information

These restrictions do not apply to:

- Subsequent employment with the State Police
- Appointment as an Oregon State Lottery Commissioner or as a Tribal Gaming Commissioner
- Appointment as a regulatory agent for the Oregon State Lottery or Tribal Gaming
- Contracting with the Oregon State Lottery as a lottery game retailer
- Financial gains received from personal gaming activities

Members of the Legislature

Ethics Law restricts the subsequent employment of the following members of the Legislative Assembly:

- Representative
- Senator

These positions are restricted in the following way:

- For one year, a person who has ceased being a member of the Legislative Assembly may not receive money or other consideration for lobbying as defined in ORS 171.725.

Restrictions Regarding Public Contracts

A former public official is also prohibited from directly benefiting from a public contract that was **authorized by** that public official for two years from the date the contract was authorized. [ORS 244.047(2)].

“Authorized by” is defined to mean if the public official performed a significant role in the selection of a contractor or the execution of the contract. [OAR 199-008-0005]. A significant role can include any of the following:

- recommending approval
- signing the contract
- serving on a selection committee or team, or having the final authorizing

authority for the contract

The former public official is restricted from financially benefiting from a public contract for two years after the date of authorization if they did either of the following:

- Authorized the contract individually as an employee of a public body
- Participated in the authorization of the contract as a member of a board, commission, council, bureau, committee, or other governing body.

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Employment of Former Public Official Frequently Asked Questions

I am a board member irrigation district. My term is almost up. A company that has a contract with the irrigation district has offered me a job. Would accepting that position be prohibited under Ethics Law?

It depends. Public officials are prohibited from financially benefiting from a public contract for two years after the public official authorized the contract. The public official would have to consider what role they played, if any, in the selection of the company for the contract or the execution of the contract:

- Did the board member sign the contract between the irrigation district and the company?
- Did the board member vote on the contract with the company?
- Did the board member recommend the company?

If the answer to any of the questions is “yes,” then the board member would be prohibited from financially benefiting from the contract between the irrigation district and the company. If the answer is no, then the board member would not be prohibited from benefiting from the contract between the irrigation district and the company. That’s because ORS 244.047(4) specifically states that the prohibition does not apply to individuals who were members of a board but who did not participate in the authorization of the contract.

But what does it mean to financially benefit from the contract? Does that prohibit accepting any employment opportunity from the company? Again, the answer is that it depends. Would the board member be working under the contract with the irrigation district? If not, then it may be ok for the board member to accept the position with the company. Will the board member be receiving any financial benefit as a result of the contract with the irrigation district, such as compensation, bonuses, benefits, etc.? If so, then the board member would be prohibited from accepting the position on those terms and conditions.

Gifts

Ethics Law limits the value of gifts a public official can accept from certain people.

If the source of a gift has a ***legislative or administrative interest*** in the actions of the public official, the public official can only accept gifts from that source with a total value of \$50 or less in a calendar year. However, if the source of the gift does not have a legislative or administrative interest, there is no limit on the value of the gift or gifts that the public official can accept.

The restrictions on the value of gifts from a source with a legislative or administrative interest include gifts given to public officials, their relatives, or members of their household. To decide if a gift can be accepted with or without limit, the public official must know the source of the gift. The burden of knowing whether a gift can be accepted rests on the individual public official.

What counts as a “gift”?

When Ethics Law uses the word gift, it means something of economic value given to a public official, a candidate, a relative, or a member of the household of the public official or candidate:

- 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 candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or
- For valuable consideration less than that required from others who are not public officials or candidates. [ORS 244.020(7)(a)].

In other words, a “gift” is something of economic value that is offered to:

- A public official or candidate, their relatives, or members of their household
- Without cost, at a discount or as a forgiven debt, and
- Not offered to the general public on the same terms and conditions.

Once a public official or candidate has figured out if something meets the definition of a gift, they must then decide if the source of that gift has a legislative or administrative interest, also known as an economic interest, in their official actions as a public official.

But what is the source of a gift? OGEC defines the source of a gift as the person or entity that ultimately pays for the gift. [OAR 199-005-0030].

What it means for a source to have a legislative or administrative interest

Whether the source has a legislative or administrative interest is key to deciding if a public official or candidate can accept a gift from that source.

A “legislative or administrative interest” means an economic interest, distinct from that of the general public, in:

- Any matter subject to the decision or vote of the public official acting in the public official’s capacity as a public official, or
- Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official. [ORS 244.020(10)].

The Commission’s administrative rules define the word “decision” as it is used in the definition of legislative or administrative interest. A decision is defined as an act that commits the public body to a particular course of action within the public official’s authority and that is connected to the source’s economic interest. Importantly, the word decision does not mean a recommendation or work performed in an advisory capacity. [OAR 199-005-0003].

The phrase, “distinct from that of the general public,” means the decisions or votes of the public official could financially affect the source of the gift in different ways than they would financially impact the general public.

If a public official's votes or decisions could cause a financial gain or loss for the source of a gift, that source has an economic interest in that public official. That economic interest is "distinct from that of the general public" if the potential gain or loss is different from the financial impact the same votes or decisions would have for the general public.

Value of Gifts

If the public official determines that the source has an economic interest in their decisions and votes that is different from that of the general public, the public official must then determine the fair market value of the gift. Once the value is determined, the public official has to assess whether:

- They have accepted any other gifts from the source in the calendar year, and if so,
- Whether the value of the current gift, combined with the value of any other gifts given to the public official during the calendar year by the source, exceeds the \$50 limit.

Each public official must decide individually whether they can accept a gift. Within the same public body, there may be some public officials who can accept unlimited gifts from a source and other public officials who would have limits on gifts from that same source. It will depend on the public official's role and whether they can make decisions that could economically impact the source of the gift. This means that there may be situations where gifts are offered to two public officials and one is allowed to accept it without limits, while the other public official may not be able to accept the gift at all or only with limits.

What is not considered a gift under Ethics Law?

Some things of economic value are given, not only to public officials, but to other members of the public as well. They may include things like a discount given to both public officials and employees of private companies, or a raffle that is available to anyone to enter. Those items would not be considered gifts as defined in Ethics Law.

Other things are not considered “gifts” based on exclusions in ORS 244.020(7)(b). If the offer to pay for goods or services is excluded from the definition of “gift” in Ethics Law, a public official may accept the offer regardless of value.

ORS 244.020(7)(b) describes goods and services that public officials may be able to accept because they are not considered gifts. A public official or candidate may accept:

- Campaign contributions as defined in ORS 260.005. [ORS 244.020(7)(b)(A)].
- Contributions to a legal expense trust fund created under ORS 244.209. [ORS 244.020(7)(b)(G)].
- Gifts from their relatives or household members. [ORS 244.202(7)(b)(B)].
- Unsolicited gifts of items such as tokens, plaques, trophies, and desk or wall mementos with a resale value of less than \$25. [ORS 244.020(7)(b)(C)].
- Publications, subscriptions, or other informational material related to their duties. [ORS 244.020(7)(b)(D)].
- Waivers or discounts for registration fees or materials related to continuing education or professional licensing requirements. [ORS 244.020(7)(b)(J)].
- Cost of admission or food and beverage consumed by the public official or a relative, household member, or staff member accompanying the public official if the public official is representing a government agency at a reception, meal, or meeting held by an organization. [ORS 244.202(7)(b)(E)].
- Food or beverage at a reception where the food and beverage are a secondary part of the reception, and there was no cost for the food or beverage. [ORS 244.020(7)(b)(L)].
- Travel-related expenses paid by another public official when travelling inside the state to an event related to the public official’s office and the public official appears at the event in an official capacity. [ORS 244.020(7)(b)(K)].
- Payment of reasonable travel expenses (transportation, lodging, and food or beverages) if a public official is scheduled to speak, make a presentation, participate on a panel, or represent a government agency at a convention, conference, fact-finding trip, or other meeting. The payment of expenses can only be accepted from:

- A federal, state, or local government agency
- A Native American Tribe
- An organization to which the public body pays membership dues, or
- A 501(c) nonprofit organization. [ORS 244.020(7)(b)(F)].
- Payment of reasonable travel expenses (transportation, lodging, food or beverages) for themselves and their accompanying relative, household member, or staff member, when the public official is representing their government agency at one of the following:
 - An officially sanctioned trade promotion or fact-finding mission, or
 - An officially designated negotiation or economic development activity, if approved in advance. [ORS 244.020(7)(b)(K)].
- Food and beverages when acting in an official capacity in the following situations:
 - In association with a financial transaction or business agreement between a government agency and another public body or a private entity. This includes the review, approval, or execution of documents or closing a borrowing or investment transaction.
 - When the office of the State Treasurer is engaged in business related to a proposed investment or borrowing.
 - When the office of the State Treasurer is meeting with a governance, advisory, or policymaking body of an entity in which the Treasurer's office has invested money. [ORS 244.020(7)(b)(I)].
- Public officials or candidates, or their relatives or household members, may accept anything of economic value when:
 - The gift is part of the usual practice of the person's business, employment, or volunteer position with any non-profit or for-profit business, and
 - The gift does not relate to the person's official position or public office. [ORS 244.020(7)(b)(O)].
- Public officials or candidates, or their relatives or members of their households, may accept entertainment if the entertainment is secondary to the purpose of the event. [ORS 244.020(7)(b)(M)].
- Public officials, or their relatives or members of their household, may accept

entertainment when the public official is officially representing a government agency for a ceremonial purpose. [ORS 244.020(7)(b)(N)].

- Public school employees may accept payment of reasonable expenses for accompanying students on an educational trip. [ORS 244.020(7)(b)(P)].

The Commission adopted administrative rules that clarify some of the gift exceptions listed above. Those administrative rules can be found in [Chapter 199, Division 5, Gifts](#).

Some commonly referenced administrative rules include:

- The definition of entertainment and examples of what qualifies as entertainment. [OAR 199-005-0001(1)].
- The definition of “fact finding mission or trip.” [OAR 199-005-0001(2)].
- Factors to determine whether paid expenses may be accepted for attendance at receptions, meals, or meetings pursuant to ORS 244.020(7)(b)(E). [OAR 199-005-0015].
- Clarification regarding the differences between expenses that can be accepted under ORS 244.020(7)(b)(F) and ORS 244.020(7)(b)(H), including information on who and how an activity is “officially designated” or “officially sanctioned.” [OAR 199-005-0020].
- The definition of “usual and customary practice” and examples of what may or may not meet the definition. [OAR 199-005-0027].

THIS PAGE WILL CONTAIN THE GIFT ANALYSIS HANDOUT PAGE 1.

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THIS PAGE WILL CONTAIN THE GIFT ANALYSIS HANDOUT PAGE 2.

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Gifts Frequently Asked Questions

What are some examples of decisions or votes that are “distinct from that of the general public?”

Many votes or decisions have the same general economic effect on individuals, businesses, organizations, and the general public. Examples of decisions or votes that would impact the general public are changes to water usage rates, pet license fees, and parking violation fines.

On the other hand, some decisions or votes have a distinct economic impact on individuals, businesses, and groups. For example, private contractors have an economic interest in any public official who could award them contracts. The economic interest of the contractors is recognizably different from the economic interest of the general public.

Real estate developers would also have a distinct economic interest in any public official who could approve their land use applications or building permits. This economic interest would be different than the economic interest held by the general public in those decisions or votes.

Am I required to report gifts I receive to OGEC?

Generally speaking, no. Public officials are not required to file reports with OGEC detailing gifts received and the source of those gifts. A public official who is required to file a statement of economic interest (SEI) may be required to report the receipt of a gift on their SEI if it rises to a certain level of income. For more information on income reporting requirements for SEI filers, please review the [Statement of Economic Interest Filer Guide](#), which is updated annually.

I am an employee of a government agency. My spouse was recently diagnosed with an illness, and my co-workers want to start a GoFundMe to help with the medical expenses. Am I allowed to accept GoFundMe donations? If I can't accept the GoFundMe donations since I am a public official, can my spouse accept

them?

It depends. Events like GoFundMe campaigns and the organization of meal support through companies like Meal Train present a challenge for public officials because anyone can contribute, and contributions can be made anonymously.

Public officials can only accept gifts from sources that have an economic interest in their decisions and votes, valued at \$50 or less in a calendar year. For each person who donates to the GoFundMe campaign, the public official will have to:

- Determine who the source of the donation is, and
- Analyze whether the source of the donation has a legislative or administrative interest in the public official's decisions or votes.

If the source does have a legislative or administrative interest, then the public official will have to do all of the following:

- Calculate the fair market value of the donation
- Determine whether the public official has accepted any other gifts from that source during the calendar year and calculate the value of those other gifts
- Calculate whether the total of the current donation and any other gifts received throughout the calendar exceeds \$50.

Because public officials are required to analyze each gift to determine if they are permitted to accept it, a public official cannot accept anonymous donations.

The same analysis that applies to public officials also applies to the public official's relatives and household members. If the public official is unable to accept the gift, then their relatives and their household members would not be able to accept the gift either.

I am a city councilor. I helped a city employee change a tire while they were stranded along the road. As a thank you, the city employee dropped off a huge gift basket containing various snacks, chocolates, and beverages at my office. I am certain the basket exceeds the \$50 gift limit I'm allowed to accept. What can I

do?

You are correct that the city employee has a legislative or administrative interest in you as a public official, since you, as a city councilor, approve the city's budget, which includes the city employee's salary and benefits.

When a public official receives a gift exceeding the \$50 gift limit from a source with a legislative or administrative interest, they can:

- Reject or return the gift
- Accept the gift on behalf of their office or public body, rather than individually, and then the office or public body can use or distribute the gift as it sees fit, generally meaning that it will be shared with all of the employees
- Donate the gift to a nonprofit, without claiming any tax deduction for the donation

What responsibilities does the person giving a gift to a public official have?

Gift givers are not responsible for making sure public officials follow Ethics Law. They should be willing to provide the public official with the name of the source of the gift and the value, but that is information the public official should also confirm on their own.

What responsibilities does a person or company who provides something that falls under a gift exclusion have?

While paid expenses may be allowed by ORS 244.020(7)(b)(F), ORS 244.100(1) requires the organization, government, tribe, or corporation paying those expenses to notify the public official in writing of the total value of the expenses if it is over \$50. Any person who provides a public official with an honorarium must notify the public official if the honorarium's value is more than \$15.

Lobbyists, clients or employers of lobbyists, and others who give gifts or financial benefits to public officials should also be aware of requirements in ORS 171.725 through ORS 171.992 and Divisions 5 and 10 of Chapter 199 in the Oregon Administrative Rules. The [Guide to Lobbying in Oregon](#) can further explain these laws and rules.

Nepotism

Public officials may not participate in personnel actions by their public body that would affect the paid employment of their relatives or household members. Personnel actions covered by ORS 244.177(1)(a) include:

- Appointments
- Employment
- Promotions
- Discharges
- Firings
- Demotions

If a public official complies with the conflict of interest requirements of Ethics Law, the public official may be able to participate in the employment actions listed above. But, in these situations, even if a public official properly discloses a conflict of interest, they could still be found in violation of the prohibited use of office provisions in Ethics Law. For more information on examples of prohibited use of office, please [see page 39](#).

Ethics Law also prohibits a public official from participating in any interview, discussion, or debate related to personnel actions involving their relative or household member if that relative is applying for or is employed by the public body the public official serves or over which the public official exercises jurisdiction or control. There are some exclusions that are discussed in detail below. [ORS 244.177(1)(b)].

A public official is also prohibited from directly supervising a relative or member of a household. Direct supervision includes official actions that would financially affect the relative or household member, such as:

- Conducting performance reviews
- Approving leave or vacation time
- Recommending or approving pay changes
- Assigning shifts

- Approving overtime
- Authorizing or approving reimbursements or travel expenses
- Authorizing worksite assignments or teleworking.

Exceptions

A public official may be involved in personnel matters regarding their relative or a household member. Ethics Law addresses how a public official should navigate those situations.

1. Unpaid Volunteers

In most cases, if a public official has a relative or household member who is or has applied to be an unpaid volunteer, the public official may participate in any personnel action involving the relative or household member. This is because, as a volunteer, there is no financial benefit, detriment, or avoidance of financial harm.

This exception does not apply to all unpaid volunteers, though. Public officials may not participate in appointing a relative or household member to an unpaid position on the *governing body of the public body* that the public official serves or over which the public official has jurisdiction or control.

2. Ministerial Acts

A public official whose duties include **ministerial acts** related to a relative's or household member's employment is allowed to perform those acts. Examples of ministerial acts include:

- Mailing or filing forms or correspondence
- Taking and relaying messages
- Scheduling appointments
- Preparing documents and minutes for public meetings.

3. References

A public official may serve as a reference or give a recommendation for a relative who has applied for employment or promotion or who is subject to any personnel action.

4. Legislative Assembly

Public officials who are elected members of the Oregon Legislative Assembly are not prohibited from participating in employment actions, including supervision of their relatives or household members on their personal staff.

5. Written Policies Adopted by the Public Body

Ethics Law allows a public body to adopt a policy that specifies when a public official may directly supervise a relative or household member in a paid position. The policy must meet all of the following requirements:

- Be in writing
- Be formally adopted by the public official's public body
- Comply with provisions of ORS Chapter 244
- Delegate to another person any task that would constitute a prohibited use of office for financial gain or a conflict of interest
- Provide a method that complies with ORS 244.120 to handle conflicts of interest when asked to take actions, or make decisions or recommendations about the financial interests of the relative or member of the household being supervised.
[OAR 199-008-0008].

Without such policies, a public official may not directly supervise a relative or household member in a paid position.

Nepotism Frequently Asked Questions

Does Ethics Law prevent relatives from being employees of the same public body?

No. Public officials who are relatives can be employed by the same public body at the same time.

We have a vacant seat on the county commission. One of our county commissioners is married, and their spouse wants to fill that vacant seat. Is that allowed?

Yes. Ethics Law does not prohibit spouses from serving on a governing body, like a county commission, together. Ethics Law issues could arise depending on how that vacancy is filled, though. If the city council is appointing a person to fill the vacancy, the city councilor would be prohibited from interviewing their spouse, voting to approve the spouse to fill the vacancy, or taking other official actions related to the appointment of their spouse to the position.

Can public officials supervise their relatives or household members?

It depends. Generally, public officials are prohibited from directly supervising relatives or household members who are serving in paid positions. There are some exceptions. A public official may supervise a relative or household member serving as an unpaid volunteer, unless that volunteer position is as a member of the governing body of the public body.

Can a city councilor appoint their spouse to the city's budget committee since it's an unpaid position?

No. A city councilor is prohibited from appointing their spouse to an unpaid position as a member of a governing body of the public body a public official serves or over which the public official exercises jurisdiction or control.

Legal Expense Trust Fund

The Commission can authorize a public official to create a legal expense trust fund to pay legal defense expenses for any civil, criminal, or other legal proceeding or investigation related to the public official's duties.

If a public official needs to establish a legal expense trust fund, they should review ORS 244.205 through ORS 244.221. These sections explain the rules related to this type of fund. OGE staff is available to explain the requirements of a legal expense trust fund and can help guide the process.

Process to establish a Legal Expense Trust Fund:

1. The public official submits an application to OGE. The information and documents required for the application are found in ORS 244.209.
2. The Executive Director reviews the application.
3. OGE legal counsel reviews the application for sufficiency.
4. The matter is placed on the agenda for an upcoming Commission meeting.
5. The Commission reviews and either approves or denies the application.
6. The public official is notified of the Commission's decision and advised on next steps.

Managing a Legal Expense Trust Fund:

Once the Commission approves a legal expense trust fund:

1. The trustee must notify OGE staff regarding the establishment of an account at their financial institution.
2. The trustee must submit quarterly reports of the contributions and expenditures from the fund. Reports are due on the 15th of the month following each quarter.
 - a. Identify each person contributing an aggregate of \$75 or more.
 - b. Identify aggregate of sums of less than \$75.
 - c. Identify the amount and purpose of each expenditure.
3. The public official may only have one legal trust fund at any one time.
4. The public official may act as their own legal expense trust fund trustee.

5. Anyone may contribute to the legal expense trust fund, but contributions from a principal campaign committee are not allowed.
6. Funds must be maintained in a single account dedicated to the legal expense trust fund.
7. Monies in the legal expense trust fund cannot be used for any personal expenses.

Terminating a Legal Expense Trust Fund:

- The fund may be terminated within six months after the legal proceeding for which it was established has concluded.
- When terminated, remaining funds must be returned to contributors proportionally.
- If the public official is awarded money in the legal proceedings for which the fund was created, the awarded money must be distributed in the following order:
 - Outstanding legal expenses,
 - Proportionately to the fund contributors, and
 - To the public official or, if required by the trust agreement, to a 501(c) nonprofit organization.

Legal Expense Trust Fund Frequently Asked Questions:

Once established, can the public official ask for funds to pay for the cost of a legal defense?

Yes. Asking for and accepting funds for a legal expense trust fund is an exception to the prohibited use of office rules. Also, contributions to a legal expense trust fund are excluded from the definition of gift as defined in Ethics Law.

Can the proceeds in a legal expense trust fund be used to pay for expenses that were incurred before the trust fund was established?

Yes. So long as the expenses, costs, or liabilities already incurred relate to the legal proceeding for which the trust fund was established, the trust fund may be used to pay for those expenses, costs, or liabilities.

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Statement of Economic Interest

A Statement of Economic Interest (SEI) is an annual report that certain public officials are required to file. The SEI is filed electronically using OGEC's Electronic Filing System (EFS). The annual report requires public officials to disclose specific financial information from the prior calendar year. There are about 6,500 public officials who must file an SEI. Those public officials are identified in ORS 244.050. In general, public officials who hold the following positions are required to file an SEI:

- State public officials who hold elected or appointed executive, legislative, or judicial positions. This includes positions on certain boards or commissions.
- In counties, all elected officials, such as commissioners, assessors, surveyors, treasurers, and sheriffs. Planning commission members and the county's principal administrator must also file.
- In cities, all elected officials, the city manager or principal administrator, municipal judges, and planning commission members.
- Administrative and financial officers in school districts, education service districts, and community college districts.
- Some members of the board of directors for certain special districts must file.
- Candidates for some elected public offices.

Jurisdictional Contact (JC)

Each jurisdiction that has SEI filers (city, county, executive agency, board, or commission, etc.) has a person called a jurisdictional contact who communicates with OGEC about that jurisdiction's SEI filers and SEI reports.

The **jurisdictional contact (JC)** serves as the connection between OGEC and the SEI filers in the JC's jurisdiction. The JC gives OGEC the name, address, and email address of each public official who is required to file an SEI. When a public official resigns, is appointed, or elected, the JC updates their records in EFS.

In January of each year, the JC updates and verifies the required filers for their jurisdiction in EFS. A verified list must be confirmed in EFS by February 15 of each year.

Public officials can reach out to their JC for information on SEI filing requirements.

SEI Filer Assistance and Deadlines

Important Dates:

- March 15 – SEI Filing Period Begins
- April 15 – Deadline for Filing SEI

The SEI filing period begins on March 15th. A public official required to file an SEI will not be able to file their SEI until March 15th. When the SEI filing period opens, a notification email will be sent to the email address on file with OGEC in EFS.

The deadline for filing the SEI is April 15th. The start and end dates of the SEI filing period are mandated by law and are still in effect even if the 15th falls on a weekend or holiday. The deadline does NOT roll over to the next business day.

As with other parts of Ethics Law, it is each public official's own responsibility to make sure they submit their SEI report by April 15th. The JC should make sure each SEI filer knows the reporting requirements and shares information on how they can help them meet the SEI filing deadline.

Filing Assistance:

If a public official's email changes between SEI filing periods, OGEC asks that the public official log into their EFS account or reach out to OGEC staff so that the contact information can be updated. Keeping contact information up-to-date helps ensure the public official is correctly notified of filing requirements in the future.

OGEC offers filing resources: an SEI Filers Guide, SEI filer pre-recorded videos, and

live webinars where an OGEC trainer will walk through the filing process and answer any questions. These resources can be found on the [SEI training page](#) of OGEC's website.

Penalties:

It is important to submit SEIs on time. There are civil penalties for filing late. The late fees accrue at the following rates:

- \$10 per day for the first 14 days after the filing deadline, and
- \$50 each day after that.

The maximum total penalty is \$5,000.

The penalties are applied to the public official's EFS account automatically. Once the SEI has been filed, penalties will stop accruing.

If you have accrued filing penalties, a request for a waiver or reduction of penalties may be submitted to the Commission for their consideration and vote. Please contact OGEC staff for more information.

SEI Frequently Asked Questions:

I serve on multiple public bodies. Do I need to file two SEIs?

No. Only one SEI report is required each year. If you serve on multiple public bodies that require you file an SEI, you will need to address each of those jurisdictions in the same report. For example, SEI filers are required to list all real property located within the geographical boundaries of the jurisdiction they serve. If the public official serves as an elected county commissioner in two counties, the public official would need to identify real property in both of the counties in which they serve as a county commissioner. For more information on specific SEI reporting requirements, please see ORS 244.060 or the SEI resources on the Commission's website.

Can my staff file my report on my behalf?

Public officials are responsible for all information provided on the SEI report, including information that was incorrectly entered into the report by another person. Also, the SEI requires the SEI filer to certify under penalty of false affirmation that the information is true and correct. The SEI filer is then required to sign the electronic form.

How do I know if I have to file an SEI report?

You will receive an email from EFS asking you to create an account. This email will be sent to the email address provided by the JC for your jurisdiction. If you already have an account, you will simply be reminded to file the SEI annual report when the reporting period begins.

I filed my SEI, but I keep getting notifications from the system reminding me to file. Why?

It is likely that you did not actually successfully submit the SEI. You should access your account and make sure the report is actually submitted. When an SEI is accurately submitted, you will receive a notification that the report was successfully filed, and you will be provided with a confirmation number. You can also reach out to OGEC staff for assistance.

Is my SEI available to the public?

Yes. The public can access any public official's SEIs through the Commission's website: [Electronic Filing System Oregon Government Ethics Commission - Public Records](#).

I filed my SEI on time, but after the filing period closed, I realized I forgot to include required information. What can I do?

You can amend an SEI report at any time by signing into your EFS account and selecting the report you need to update. You then choose to amend or edit the report and add the additional information. There is no penalty for amending a previously filed SEI. You can amend an SEI more than once, if needed.

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Training

Education is at the heart of OGEC's mission, making training a top priority. The training team has one curriculum coordinator and four trainers who provide free training to public officials, their legal counsel, lobbyists, and the media. Several training types are offered, including:

- Live webinars
- Custom in-person and virtual sessions
- On-demand courses
- Guides and video tutorials

These training sessions focus on topics within each of the laws under OGEC's jurisdiction. Depending on the topic, the training sessions vary in length, from an hour in length for narrow topics to two and a half hours in length for training sessions that cover an entire law. Live webinars are held on a monthly basis for public officials to take as needed. In addition, the team provides customized in-person and hybrid trainings as requested. These trainings typically include:

- Presentations with polling
- Web-based training for hybrid sessions
- Helpful handouts
- Specific scenarios
- Time for questions
- Additional resources

To sign up for a monthly webinar or request a custom training, visit the [OGEC training page](#).

Membership organizations may provide their own training to their members. Individual government entities may offer training as well, such as state agencies, cities, or ports.

Advice

Providing public officials with information and tools to navigate Ethics Law is a priority for OGE. Questions about the Commission's laws, administrative rules, and procedures are welcome. OGE staff are trained to understand the laws and rules the Commission administers and enforces, are able to discuss how those laws and rules may apply to a specific situation and can point public officials to relevant resources.

Timely and accurate answers are a priority for staff. Advice can be requested:

- From the [advice and opinions page](#) of OGE's website
- By phone at 503-378-5105
- By email at mail@ogec.oregon.gov

Types of Advice and Opinions

OGE staff are able to provide advice and opinions on future events and hypothetical situations, but not on events that have already occurred. Advice can be provided by staff in many forms, including by phone, in-person, and in writing, either by email or letter. Different types of advice are more formal than others, and depending on the type of advice, offer certain safe harbor benefits to a public official who requested the advice and acted in accordance with that advice. Written staff advice is subject to public records requests but is not published on the Commission's website.

1. Staff Advice

Informal staff advice generally includes a restatement of the facts as the staff member understands them, relevant laws and rules, and how those laws and rules may apply to the facts provided in the request for advice. If the advice is provided by email, it may also include links to relevant resources.

If a complaint is filed against a public official and the Commission finds the public official relied on OGE staff advice, the Commission may consider that reliance before imposing any civil penalty.

2. Informational Letter under the Signature of the Executive Director

An informational letter of advice restates the facts in the request and includes relevant statutes and rules. The informational letter discusses the Commission's interpretation of the law and rules and how they may apply to the facts presented. Informational letters are published on the Commission's website and are available to the public.

As with other staff advice, if a complaint is filed against a public official and the Commission finds that the public official violated Ethics Law while relying on that staff advice, the Commission may consider that reliance before imposing a civil penalty.

3. Staff Advisory Opinion

Ethics Law allows the Executive Director to issue a staff advisory opinion based on a written request. The staff advisory opinion is issued in a letter that restates the facts described in the request, lists the relevant statutes and rules, and discusses how the law applies to the questions asked or to the situation described in the request. Ethics Law requires a staff advisory opinion be issued within 30 days of the request, unless the Executive Director extends the deadline by another 30 days. Staff advisory opinions are published on the Commission's website and are available to the public.

If a complaint is filed against a public official and the Commission finds that the public official violated Ethics Law while relying on the staff advisory opinion, the Commission may only issue a written letter of education, rather than a civil penalty. For this safe harbor to apply, the request for advice must have included all relevant facts, with no misstatements or misrepresentations. For more information, see ORS 244.282.

4. Commission Advisory Opinion

Ethics Law allows the Commission to issue Commission Advisory Opinions. Commission advisory opinions are drafted by OGEC staff and reviewed by

OGEC legal counsel before being presented to the Commissioners at a public meeting. The Commission then votes on whether to adopt the Commission Advisory Opinion as written. A commission advisory opinion lists the relevant statutes and rules and discusses how the law applies to the questions asked or to the situation described in the request. It includes a more in-depth legal analysis of the laws within the Commission's jurisdiction than other types of advice issued by OGEC staff. Commission advisory opinions are generally used to clarify the Commission's interpretations of statutes or rules, which may be useful to public officials and the broader public.

Ethics Law requires the Commission respond to a request for a commission advisory opinion within 60 days, unless the Commission extends the deadline by another 60 days. If the commission advisory opinion is adopted by the Commission, it will be published on the Commission's website and are available to the public.

If a complaint is filed against a public official and the Commission finds that the public official violated Ethics Law while relying on the Commission's Advisory Opinion, the Commission may not impose a civil penalty. For this safe harbor provision to apply, the request for the commission advisory must have included all relevant facts, with no misstatements or misrepresentations. For more information, see ORS 244.280.

Advice Frequently Asked Questions

A complaint was filed against me for allegedly violating Ethics Law, but I requested and received staff advice from OGEC staff. Is the complaint automatically dismissed?

No. Requesting advice does not prevent someone from filing a complaint against a public official or prevent the Commission from determining that a violation of Ethics Law occurred. However, requesting and receiving advice from OGEC staff may impact the penalty OGEC staff recommends and the penalty the Commission imposes.

In order for the Commission to consider the advice request while determining a penalty, there are certain requirements that the public official must have met:

- The circumstances described in the request must not misrepresent, misstate, or leave out any facts.
- The public official must have followed the suggested actions in the advice or opinion.

I did not request my own advice, but I did review advice that was issued to another public official, and that was posted on the Commission's website. Will reliance on that advice impact the civil penalty imposed if the Commission finds I violated Ethics Law?

It depends. Advice and opinions are written to address the exact circumstances of each set of facts presented in a request for advice. Circumstances vary between situations and between public officials. It is important to remember that the law applies to the individual actions of the person or public official. Depending on the circumstances of an event or transaction, the law may apply differently for one public official than for other public officials.

If a public official relies on advice provided to another public official because the situation seems similar, they must be sure that the laws apply to them in the same way. The Commission may consider the public official's reliance on the advice and the similarities in the circumstances when imposing a civil penalty.

If I request advice, is it available to the public?

Yes. Both written requests for advice and written responses to those requests are available to the public. Commission advisory opinions, staff advisory opinions, and informational letters under the Executive Director's signature are published on the [advice and opinions page](#) of the OGEC's website. Other staff advice is not available on the Commission's website but would be released in response to a public records request.

Is it better to call for advice or request advice in writing?

It depends. Requesting written advice through the Commission's website is likely the best way to request advice because the option is available any time, day or night. Depending on the complexity of the question asked and the volume of advice requests, trainings, and cases, however, written requests may take more time.

If you have a situation that is coming up immediately, OGEC staff recommends calling our offices to discuss the scenario. OGEC staff are available Monday through Friday, 8 am to 5 pm.

Compliance & Enforcement

Reports Required to be Filed with the Commission

Ethics Law requires certain public officials to submit reports to the Commission. These reports are submitted through EFS and are available to view on OGEC's website.

OGEC staff are available by telephone or email to answer questions about registration and filing requirements and procedures.

Statements of Economic Interest

As previously discussed, Statements of Economic Interest (SEI) are required to be filed by approximately 6,500 public officials and must be filed by April 15 each year. For more information on requirements related to SEIs, please review OGEC's [Statement of Economic Interest webpage](#).

Lobbyists Reports and Client/Employer Reports

Many public officials meet the definition of lobbyists in ORS 171.725. Specifically, many state agency heads and executive personnel are lobbyists because they meet with legislators to advocate for changes to laws within their agency's jurisdiction and they testify at hearings regarding proposed legislation or their agency's budget. Public officials who meet the definition of a lobbyist may be required to register with the Commission. Lobbyists must renew their lobbying registrations every two years. Registered lobbyists, and their clients or employers, must file a lobbying activity expenditure reports every quarter. For more information on who is considered a lobbyist, as well as lobbyist registration and reporting requirements, please review OGEC's [Lobbying Registrations webpage](#).

Legal Expense Trust Funds

Public officials who have established legal expense trust funds are required to report contributions and expenditures from the trust fund quarterly. For more information on legal expense trust funds and reporting requirements, please review OGEC's [Legal Expense Trust Fund webpage](#).

Complaints Against Public Officials

If an individual believes a public official has violated Ethics Law, that person can submit a complaint to the Commission. Complaints must contain all of the following information:

- The name of the public official who is believed to have violated Ethics Law
- The name and contact information of the person filing the complaint
- The signature of the person filing the complaint, either ink or electronic
- The facts the person believes resulted in a violation of Ethics Law
- The official action taken by the public official allegedly resulting in a violation of Ethics Law
- The jurisdiction the public official serves
- The date the alleged violation occurred

All of the information listed above is required to determine if a complaint falls within the Commission's jurisdiction. Complaints that fall within the Commission's jurisdiction are limited to alleged Ethics Law violations by a public official that occurred within 4 years of the date the complaint was filed. If a complaint does not include the required information, does not include the name or signature of the person filing the complaint, or does not fall within the Commission's jurisdiction, Commission staff will inform the person who filed the complaint that a case will not be opened and will explain the reasons why. Complainants are encouraged to resubmit complaints that appear to fall within the Commission's jurisdiction but failed to include adequate information to make a jurisdictional determination.

Complaints can be filed online using the [Complaint Form](#) on the OGEC's website, or they can be mailed to the OGEC's office. OGEC cannot accept anonymous complaints.

The person who submits a complaint is referred to as a complainant. While the complainant brings the complaint to OGEC's attention, we are not adjudicating their rights. The complainant is not a party to OGEC's action and does not have any rights to appear, testify, or appeal OGEC's final action.

Occasionally, Commissioners or OGEC staff learn of alleged Ethics Law violations, including through newspaper articles or while investigating other public officials. In those situations, the Commission can initiate a case through their own motion. The own motion requires approval by a majority of the Commission. The own motion is discussed during an executive session. If the Commission is going to consider an own motion against a public official, the public official who is the subject of the own motion is notified and invited to attend the Commission meeting.

Complaints that Become Cases

If a complaint falls within OGEC's jurisdiction and contains all of the required information, a case is required to be opened within two days of the complaint being filed. The first step in the process is called the preliminary review phase.

Preliminary Review Phase

The preliminary review phase is limited to 60 days. It begins on the date the complaint was filed and ends on the date OGEC's executive director signs the preliminary review report. The public official named in the complaint is called the respondent. The respondent is:

- Notified that a complaint has been filed against them
- Given a copy of the complaint, including any evidence submitted with the complaint
- Provided the name of the person who submitted the complaint (the complainant)
- Given information about the preliminary review process
- Provided with the name and contact information of the investigator assigned to their case

The complainant is also notified that a case has been opened and is provided with information on the preliminary review process, and provided with the name of the investigator assigned to the case.

During the preliminary review phase, OGEC investigators collect information regarding

the alleged violations. OGEC staff may collect and review documents, submit public records requests, interview witnesses, and conduct research. The information collected is compiled in a preliminary review report and analyzed to determine whether there is a substantial objective basis to believe that a violation of Ethics Law may have occurred. The preliminary review report includes recommendations regarding whether alleged violations should be moved to an investigation or should be dismissed. The preliminary review report is reviewed by DOJ legal counsel and approved by the Executive Director.

The preliminary review report is provided to the Commission and the respondent approximately 10 days before the public meeting at which the preliminary review report will be considered. During an executive session, the Commission hears a summary of the allegations, evidence collected, and OGEC staff's recommendations. The respondent is offered an opportunity to make a statement to the Commission. The Commission may ask questions of OGEC staff, the respondent or their legal counsel. The Commission then votes whether to move the case to investigation or to dismiss the case:

- If the Commission votes that there is *not* a substantial objective basis to believe a violation may have occurred, the matter is concluded and a final order dismissing the case is issued.
- If the Commission votes that there is a substantial objective basis to believe that a violation may have occurred, the case moves to the investigation phase.

In the preliminary review phase, Commissioners and OGEC staff cannot publicly comment on any case except to acknowledge receiving a complaint against a specific individual. The information about the facts and the alleged violations is kept confidential until the Commission votes on whether to dismiss the case or to move the case to investigation. The video and audio of the Commission's executive session are published on the Commission's website following the conclusion of the public meeting.

Investigation Phase

The investigation phase begins on the date the Commission votes to move the case to

investigation and is limited to 180 days.

During the investigation phase, OGEc investigators may collect additional information related to the alleged violations identified in the preliminary review report. Before the end of the investigation phase, Commission staff are required to bring the case before the Commission during the public session portion of a public meeting and present the Commission with one of the following:

- An investigation report which recommends preliminary findings of violation because Commission staff believes there is a preponderance of the evidence that the public official violated Ethics Law.
- An investigation report which recommends that the case be dismissed because Commission staff does not believe there is a preponderance of evidence that the public official violated Ethics Law.
- A stipulated final order negotiated by OGEc staff and the respondent. The stipulated final order includes statements of fact, applicable laws, an acknowledgement that a violation of the law occurred, and the terms of the settlement, including the sanction or civil penalty imposed.

The Commission considers the investigation report or the stipulated final order in the public session portion of its meeting. If the Commission votes to approve a stipulated final order or an investigation report that recommends the case be dismissed, the case is concluded.

If the Commission considers the results of the investigation and votes that there is a preponderance of evidence to believe a violation of Ethics Law occurred, the Commission makes a preliminary finding of violation and moves the case to a contested case proceeding or a negotiated settlement.

There are limited situations in which the investigation phase may be extended beyond the 180-day period:

- If a criminal complaint has been filed against the public official for conduct that is

the same or related to the conduct alleged in the complaint.

- A court issues an order ending the Commission's investigation.
- The Commission votes to extend the investigatory phase by 30 days.
- The respondent and OGEC staff agree, and the Executive Director approves, a time waiver to negotiate a stipulated final order.

Contested Case Hearing

If the Commission makes a preliminary finding of violation, the next step is a contested case hearing. Commission staff will provide the respondent with all of the following:

- A statement of a party's right to a hearing, including the timeline and the procedure for requesting a contested case hearing
- A statement of the authority and jurisdiction for the hearing
- A reference to sections of statutes and rules that apply
- A statement of the matters asserted
- A statement explaining whether and how a default order can be entered, and
- A statement that active service members have a right to stay proceedings and where to find more information. [ORS 183.415(2)].

If the public official requests a hearing, the case will be assigned to an administrative law judge. Once the hearing is held, the administrative law judge will prepare and provide a proposed order including recommended findings of fact and conclusions of law. The administrative law judge's recommendations and a proposed order is then scheduled for a public meeting of the Commission for final action.

At any time during the investigation phase or after a preliminary finding of violation, the respondent and OGEC staff can negotiate a settlement. Most cases before the Commission are resolved through a negotiated settlement, with the terms of the agreement outlined in a Stipulated Final Order. The Stipulated Final Order is presented to the Commission for approval.

Penalties

There are a variety of sanctions the Commission can impose after finding a violation occurred. Sanctions range from letters of education, reprimand, or explanation, to civil penalties. Monetary sanctions go into the State of Oregon General Fund.

To determine the applicable penalties, Commission staff reviews what is commonly referred to as the penalty matrix, which is in the OGEC's Administrative Rules. The first part of the penalty matrix lists factors that OGEC staff and the Commission may consider as mitigating or aggravating. Examples of aggravating factors include the number of violations, the number of prior violations, a criminal conviction, and the length of time the actions occurred. Mitigating factors include cooperation to resolve the matter, whether advice was sought and from whom, and whether actions were taken to prevent future violations, such as taking training offered by OGEC staff. The points from Table A are totaled and applied to Table B to determine the type of penalty to be imposed and the amount of the penalty to be imposed. [OAR 199-008-0015].

The maximum civil penalty for each violation of Ethics Law is \$5,000, except for violations of ORS 244.045 and "willful" violations of ORS 244.040.

- The maximum penalty for violations of ORS 244.045 (regulation of subsequent employment) is \$25,000.
- The maximum penalty for "willful" violations of ORS 244.040 (the "prohibited use of position or office" provision) is \$10,000.

There may be an additional civil penalty of twice the amount a respondent gained from a violation.

Compliance and Enforcement Frequently Asked Questions

Do I need an attorney to represent me if a case is filed against me with the Commission?

No. A public official may have an attorney represent them during the Commission's case proceedings but is not required to do so.

I am a member of a fire district board, and an ethics complaint has been filed against me. The fire district has an attorney that we use for fire district matters. Can the fire district's attorney represent me in my case with the Commission?

It depends. Complaints filed against public officials are filed against them in their individual capacities. As a result, public officials cannot use their public body's resources to address a case opened by the Commission. Those resources may include, but are not limited to, the public body's attorney or the public body's money. If the public official used the public body's resources for their personal matter, it would be a prohibited use of office - the public official is avoiding the financial cost of hiring their own attorney, a benefit that is only available to the public official because of the position they hold.

There is an exception to this prohibition if the public body has a policy that makes the use of the public body's attorney part of the public official's official compensation package. For more information on prohibited uses of office, please [see page 39](#).

While the fire district's attorney is not permitted to represent the public official in a case opened by the Commission, the attorney could submit information on behalf of the fire district itself. This may include information or evidence that would be relevant to OGEC staff's review of the case. However, making legal arguments on behalf of the public official would be prohibited. The Commission issued Staff Advisory Opinion 23-256S regarding how a public body's legal counsel may or may not be involved in a public official's case.

I am a public official, and I resolved my case through a stipulated final order. The stipulated final order includes a civil penalty. Can my agency pay that civil penalty for me?

No. A current or former public official is prohibited from using public monies from a public body to pay a civil penalty imposed by the Commission.

Can the Commission vote to remove a public official from office?

No. The Commission does not have the power to remove a public official from office. The Commission also does not have the power to undo a decision made or an action taken by a public official. Penalties that the Commission can impose range from letters of education to financial penalties dependent on the number of violations and the severity of those violations. If the Commission finds that a public official has violated Ethics Law, the Commission staff is required to notify the public body that public official serves. For more information, see ORS 244.270(2).

Are complaints filed with OGEC confidential?

It depends. Eventually, all complaints will become public. This includes the name of the person who filed the complaint, their contact information, the complaint itself, and any information or documents that are included with or attached to the complaint.

- If a complaint is filed and it does not fall within the Commission's jurisdiction, the complaint is not confidential.
- If a complaint is filed and a case is opened, the complaint remains confidential through the preliminary review phase and is only available to the public once the Commission votes to dismiss the case or to move the case to investigation. It is important to note that the complaint is provided to the public official at the time the case is opened.

Glossary

This glossary defines the terms used in this guide.

Agent: any individual performing governmental functions. Governmental functions are services provided on behalf of the government as distinguished from services provided to the government. This may include private contractors and volunteers, depending on the circumstances. This term shall be interpreted to be consistent with Attorney General Opinion No. 8214 (1990). OAR 199-008-0005(7).

Authorized by: a public contract is “authorized by” a public official if the public official performed a significant role in the selection of a contractor or the execution of the contract.[OAR 199-008-0005].

Business: any legal entity (such as corporations, partnerships, franchises, organizations, self-employed individuals, etc.) operated for economic gain. A **business** does not include:

- A government entity or **public body**, such as state government, local governments, or special government bodies.
- 501(c) corporations with which the public official or their relative is associated only as a member, or on the board of directors, or in an unpaid capacity.

Business with which a person is associated: may include (a) a private business or closely held corporation or (b) a publicly traded corporation. For public officials required to file SEIs, any business listed as a source of income on their SEIs is also a **business with which they are associated.**

Conflict of interest (COI): A COI occurs when a public official makes a decision or recommendation, or takes action, in their official capacity, that would (actual conflict of interest) or could (potential conflict of interest) result in a financial benefit or detriment for the public official, their relatives, or any business with which they or their relatives are associated.

Decision: exercise of a public official's authority to commit the public body to a course of action.

Expenditure: the act of spending funds; an amount of money spent.

Financial benefit: the monetary gains obtained from a particular action, decision, or situation.

Gift: something of economic value given to a public official, a candidate, or their relative or household member without payment or consideration of equal value, and that is not offered to others on the same terms and conditions.

Governing Body: two or more members of a public body with the authority to make decisions for or recommendations to a public body on policy or administration.

Honorarium: a payment of something of economic value given to a public official in exchange for services (such as a speech) for which custom or propriety prevents the setting of a price. A public official may not solicit or receive an honorarium for services provided in connection with their official duties.

Household member or member of the household: any person who shares a residence with a public official or candidate.

Jurisdiction: the scope of authority to make legal decisions, adjudicate cases, and issue orders.

Jurisdictional contact (JC): a liaison between OGEC staff and the SEI filers in the JC's jurisdiction. JCs have separate responsibilities from SEI filers, although JCs can also be SEI filers.

Legislative or administrative interest: an economic interest, distinct from that of the

general public, in any matter subject to the decisions or votes of the public official acting in their official capacity.

Ministerial acts: actions performed by a government employee that follow established procedures or instructions from a superior, without exercising any individual judgment.

Nepotism: employment decisions that affect a relative or household member.

Non-disclosure agreement (NDA): a legally binding contract in which one or more parties agree not to share information with others.

Official action: any decision, action, or inaction taken on a question, matter, or case that involves a formal exercise of governmental power within the public body's jurisdiction. This could include approving an application, making a recommendation about a request for proposal, or deciding not to act on a certain issue.

Official compensation package: includes wages and other benefits provided to a public official by their public body employer. The wages and benefits must have been formally approved by the public body, such as through a union contract, employment contract, or other adopted personnel policies.

Policy: formal, written statement of an organization's standards.

Political subdivisions: units of government created by and under the authority of a higher government. For example, if a state is divided into counties, the counties are political subdivisions of the state.

Post-secondary institution: A public university listed in ORS 352.002; a community college operated under ORS chapter 341; the Oregon Health and Science University; or an Oregon-based, generally accredited, not-for-profit institution of higher education.

Prohibited use of office or position: occurs when a public official uses or attempts to use their office or position to obtain a financial gain or avoid a financial detriment for themselves, their relatives or household members, or any businesses with which any of them are associated, and if the opportunity for that financial gain/avoidance of financial detriment would not otherwise be available but for the fact that the public official holds their office or position.

Public body: any state, local, or special government body. Generally, when used in Ethics Law, it is defined under ORS 174.109.

Public official: any person who is serving the State of Oregon, any of its political subdivisions, or any other public body as an elected official, appointed official, employee, or agent, regardless of whether the person is paid for the service. This includes the First Partner as defined in ORS 244.020(6).

Recommendation: advice or suggestion.

Reimbursement of expenses: a public body repays a public official for goods or services the public official paid for while performing their official duties. All reimbursements must meet the requirements of applicable laws and policies.

Relative: includes a public official's spouse, or the child, son-in-law/daughter-in-law, parent/stepparent, and sibling/stepsibling of the public official or their spouse. A **relative** also includes anyone for whom the public official has a legal support obligation, anyone receiving benefits from the public official's public employment, and anyone from whom the public official receives a benefit of employment.

Safe harbor: As it relates to OGEC, safe harbor limits the penalties or sanctions that can be imposed by the Commission if they determine that a violation of the law occurred. Safe harbor does not mean a person is protected from complaints being filed against them. Requesting and relying on Commission or staff advice or opinions may

offer some protection during the penalty phase, after the Commission has determined if a violation occurred.

Sanction: a formal method of penalizing someone for something.

Statement of Economic Interest (SEI): The SEI is an annual report that discloses specific financial sources. This promotes transparency for the public.

ORS 244.050 lists the public officials required to file SEIs. ORS 244.060, 244.070, and 244.090 list the information required to be reported in an SEI.

Source: the ultimate payer of a gift.

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