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Oregon Government Ethics Commission

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Volume 2, Issue 3

FALL 2021

A Quarterly Newsletter

Ethics Matters



Registration & Reporting

Lobbyists & Lobbyist Client/Employers

Chapter 171 of the Oregon Revised Statutes requires a person who meets the lobbyist registration requirements to electronically register with the Commission & to file quarterly expenditure reports of lobbying activity. Chapter 171 also requires the client or employer of the lobbyist to confirm and notify the Commission of their acceptance of each person lobbying on their behalf. The client or employer must also file quarterly expenditure reports of lobbying activity. Quarterly expenditure reports must be filed online using the OGEC's Electronic Filing System (EFS).

The filing window will open on the first day of the month following a calendar quarter, and the expenditure reports will be due not later than the 15th of that month. The scheduled due dates for the reports are January 15, April 15, July 15, and October 15 of each year. [ORS 171.752]

If a lobbyist registers one day before the end of a calendar quarter or terminates the registration one day into a new calendar quarter, the lobbyist and the client/employer must file a Quarterly Expenditure Report for the portion of the calendar quarter in which the registration was active.

Important Dates:

January 15th
April 15th
July 15th
October 15th

There is **no** grace period or exception when the 15th falls on a weekend or holiday.

Users can access their accounts in EFS 24 hours a day, 7 days a week.

The Commission may impose civil penalties upon a person who fails to file the statement required under ORS 171.745 or 171.750. Failure to file the required statement in timely fashion is prima facie evidence of a violation. The Commission may impose a civil penalty of \$10 for each of the first 14 days the statement is late beyond the due date, and \$50 per day thereafter up to a maximum of \$5,000.

Article continued on page 2.

Commission Members >>>

Daniel Mason, Chair

David Fiskum, Vice-Chair

Amber Hollister

Karly Edwards

Shawn Lindsay

Vacancies (4)

Staff Members >>>

Ron A. Bersin, Executive Director

Diane Gould, Compliance & Education Coordinator

Becky Maison, Operations & Policy Analyst

Investigators:

Susan Myers

Lisa Christon

Trainers:

Monica J. Walker

Stephanie Heffner

Administrative Staff:

Kathy Baier

David Hunter



2021 >>> Lobby Training

Virtual

All virtual training sessions are presented by an OGEC trainer and are available **FREE** of charge. These training sessions are approximately 1 to 1.5 hours in length.

Monthly Lobby Law Webinar

The Lobby Law webinar is designed specifically for new lobbyists and new client/employers but that should not deter seasoned lobbyists or their client/employers from attending. This course will cover Lobby Regulation law and provide in-depth information and visual instruction on completing quarterly reports.

You can access a listing of the monthly courses offered via the [Commission Calendar](#) located on the OGEC website. Please RSVP to: training@ogec.oregon.gov

LOBBYIST

Select a Role >>>

LOBBYIST
CLIENT/EMPLOYER

Lobbyist & Client Tutorials

*Account Set-up & Registration; and
Expenditure Report Filing*

To learn more about these resources or to access instructions on filing quarterly reports, please click on the following link: [Lobby Training Resources](#)

Registration & Reporting

~Continued from Page 1~

The EFS will notify lobbyists and client/employers by email when the filing period is open. The notification email will contain a link to the EFS or it can be accessed by the following address: <https://apps.oregon.gov/OGEC/EFS/>

Process:

- Click on the link in the email notice that was sent. Select **Sign in as a registered user**, then enter username and password.

STOP! If username or password is forgotten, DO NOT create a new account profile. Instead, contact the Commission at (503) 378-5105 or by e-mail at mail@ogec.oregon.gov

- Once logged into an account, select the appropriate role, i.e. **Lobbyist** or **Lobbyist Client/Employer**.
- The screen will then automatically default to the **Reports** tab of the account dashboard. Click on the light blue button at the bottom of the page labeled **File a New Report**.

Please note: If there is nothing to report for a section, click in the **“Check Here for None”** box for that section. If there is something to report, use the **“+Add”** button for each individual item that needs to be entered in that section.



Each question asked on the report contains a help feature, which appears as a question mark inside a small blue circle. Click on the help feature icon next to each section for additional information that will provide a guide in reporting.

In addition to this article and the information listed on the OGEC website, a Guide to Lobbying as well as a Lobbyist Registration Flowchart have been developed to assist Lobbyists and Client/Employers in registering and filing their quarterly reports. These resources can be obtained through the following links:

[Guide to Lobbying in Oregon](#)
[Lobbyist Registration Flowchart](#)

NOTE: Remember to update your Electronic Filing System account profile. Failure to make timely changes/updates to your contact information, i.e. e-mail, mailing address or phone number will result in the inability to receive notices, reminders and other important communications related to your account.

Should you have questions that are not answered by the resources provided or by the instructions in the Commission’s Electronic Filing System, please contact the Commission by telephone at: (503) 378-5105 or by email at: mail@ogec.oregon.gov ▪

Lobby Law Definitions

“*Lobbying*” – means influencing or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of executive officials or other persons to influence or attempt to influence legislative action or attempting to obtain the goodwill of legislative officials [ORS 171.725(8)]

“*Lobbyist*” – means a.) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying or b.) Any individual who provides personal services as a representative of a public agency, corporation, association, organization or other group for the purpose of lobbying or c.) Any public official who lobbies. [ORS 171.725(9)]

“*Client/Employer*” – means any person, business, company, public agency, organization or group that authorizes a lobbyist to register with the Oregon Government Ethics Commission to represent the client/employer in gaining a legislative outcome or to obtain the goodwill of a legislative or executive official.

“*Legislative Action*” – means introduction, sponsorship, testimony, debate, voting or any other official action on any measure, resolution, amendment, nomination, appointment or report or any matter that may be the subject of action by either house of the Legislative Assembly or any committee of the Legislative Assembly or the approval or veto thereof by the Governor. [ORS 171.725(6)]

“*Legislative Official*” – means any member or member-elect of the Legislative Assembly, any member of an agency, board or committee that is part of the legislative branch and any staff person, assistant or employee thereof. [ORS 171.725(7)]

“*Executive Official*” – means any member or member-elect of an executive agency and any member of the staff or an employee of an executive agency. A member of a state board or commission, other than a member who is employed in full-time public service, is not an executive official for purposes of ORS 171.725 to 171.785. [ORS 171.725(4)]

Other relevant laws, rules and other publications may be viewed on our website at: [Lobby Laws and Rules](#)

Expenditures Exempt from Reporting

Lobbyists - Do NOT report:

- **Personal living expenses.** [ORS 171.745(2)]
- **Personal travel expenses** to engage in lobbying activities. [ORS 171.745(2)]
- **General overhead costs**, such as rent for office space, equipment, maintenance and wages paid to support employees. [ORS 171.745(2)]
- **Political contributions or expenditures reported under ORS Chapter 260.**
- **Membership dues paid to organizations** such as the Capitol Club.

Client/Employers - Do NOT report:

- **Lobbyist's personal living expenses.** [ORS 171.750(1)(a)]
- **Lobbyist's personal travel expenses** to engage in lobbying activities. [ORS 171.750(1)(a)]
- **Political contributions or expenditures reported under ORS Chapter 260.**
- **Expenditure(s) for membership dues** paid to organizations such as the Capitol Club [ORS 171.750(1)(a) and OAR 199-010-0095(1)(a)].



~ How to File a Quarterly Report ~

Lobbyist:

TOTAL EXPENDITURES – Lobbyists must list the total amount of money spent during the reporting period for **food, refreshments and entertainment** for the purpose of lobbying. [ORS 171.745(1)(a); OAR 199-010-0075(1)]

NOTE: *If the amount is not accurately known at the time of reporting, enter an estimated amount and click in the box labeled **Estimated Expense**. Lobbyists can then amend their report when the exact information/amounts become available.*

REIMBURSED EXPENSES – Lobbyists must list the amount that was reimbursed to them along with the identity of the client/employer who made the reimbursement. If they received reimbursement from multiple clients/employers, the lobbyist must identify each client/employer individually and list the total that each provided.

If the Lobbyist has no reimbursed expenses to report, they would click the “**Check Here for None**” box before proceeding to the next question/section of the quarterly report. If there are items to report, they would click on the “**+Add an Expense**” button.

The net expenditures made for **food, refreshment and entertainment** will auto-calculate. The net expenditure amount is the difference between the total expended and the total reimbursed. These numbers, in conjunction with the expenditures reported on a client/employer quarterly report will provide a record that can be reviewed for compliance.

ITEMIZED EXPENSES – Lobbyists must list each occasion when an amount in excess of \$50 was spent by one or more persons on a lobbying-related activity for the benefit of a legislative or executive public official.

NOTE: *If the expenditure amount is not known at the time the quarterly report is prepared, a reasonable estimate of the value of the expenditure should be provided. If an estimate is entered on the report, it should be identified as an estimated sum. When the exact amount of the expense becomes known, the exact amount should be submitted to amend the record. [ORS 171.745(3)]*

Expenditures for relatives, members of the household or staff of the official are considered to be “for the benefit” of the official. [ORS 171.745(1)(b) and OAR 199-010-0075(2)(a)].

- If a relative or member of the household is not accompanied by the legislative or executive public official and the lobbyist spends an amount on a lobbying-related activity for the benefit of the relative on any single occasion that exceeds \$50, the expenditures must be listed. [OAR 199-010-0075(2)(b)]

How to File a Quarterly Report Continued...

- An itemized expense may be reported by either the lobbyist or the client/employer, depending on the situation. Do not report the expense if the activity is being itemized by the client/employer. [ORS 171.750(1)(b) and OAR 199-010-0075(2)(d)]

ADDITIONAL CONTIBUTORS – If two or more lobbyists contribute to an expenditure for a lobbying activity that exceeds \$50 and is for the benefit of a legislative or executive official, the expense must be reported [ORS 171.745(1)(b)]. One of the contributing lobbyists shall be designated to report the event on their quarterly report and must identify the others who contributed to the payment of the expense [OAR 199-010-0075(2)(c)]. The contributing lobbyists would report their share of the expense on their quarterly reports but would not itemize the event.

*See below for UPLOADING NOTICES PROVIDED TO PUBLIC OFFICIALS and SUBMITTING THE QUARTERLY REPORT.

Client/Employer:

TOTAL EXPENDITURES – Client/Employers must list the total amount of **all moneys spent** on lobbying activities [ORS 171.750(1)(a)]. Lobbying activity expenses may include compensation, reimbursements, overhead costs, office space, equipment, and telecommunication costs.

NOTE: It is understood that clients/employers may engage in activities and enterprises in addition to lobbying. In assigning value to a lobbying expense, such as overhead or an employee's salary, pro-rate or make an estimate of that portion of an expense attributable to lobbying.

LOBBYIST/ORGANIZATION PAID FOR LOBBYING – Client/Employers must list each individually registered lobbyist, each organization or business that employs multiple lobbyists to represent the client or employer, and the amounts paid to each as compensation for the lobbying services. Client/Employers must also list any additional sums that were reimbursed to each lobbyist, organization or business for lobbying activity expenses. [ORS 171.750(1)(c) and OAR 199-010-0095(1)(b)]

If the Client/Employer has no expenses to report, they would click the “**Check Here for None**” box before proceeding to the next question/section of the quarterly report. If there are items to report, they would click on the “**+Add an Expense**” button.

ITEMIZED EXPENSES – If an amount is expended on a lobbying-related activity for the benefit of a legislative or executive public official on any single occasion and the cost exceeds \$50, it must be listed along with the name of the official and other details. Expenditures for relatives, members of the household or staff of the official are considered as “for the benefit” of the official. [ORS 171.750(1)(b) and OAR 199-010-0095(2)(a)]

- If a relative or member of the household is not accompanied by the legislative or executive public official and there is an amount expended on a lobbying-related activity for the benefit of the relative on any single occasion that exceeds \$50, the expenditure must be listed with the name of the relative and other details. [OAR 199-010-0095(2)(b)]
- If the lobbyist for the client/employer is itemizing the expenditure on the Lobbyist Quarterly Expenditure Report, the client/employer should not list the same event on their quarterly report. [OAR 199-010-0095(2)(d)]

ADDITIONAL CONTRIBUTORS – If two or more client/employers contribute to an expenditure for a lobbying activity that exceeds \$50 and is for the benefit of a legislative or executive official, it must be reported [ORS 171.750(1)]. One of the contributing clients/employers must be designated to itemize the event and to identify the other client/employers who contributed to payment of the expense [OAR 199-010-0095(2)]. The other contributing client/employers would report their share of the expense in the “Total Expended” section of their quarterly reports but would not list it as an itemization.

***UPLOAD NOTICES PROVIDED TO PUBLIC OFFICIALS** – If a lobbyist or client/employer provides a public official with **food, lodging or travel** expenses under the gift exception in ORS 244.020(7)(b)(F) and the aggregate value exceeds \$50, the public official must be given a written notice of the amount of the expense [ORS 244.100(1)]. The notice must be sent to the official within 10 days from the date on which the expense occurred, and a copy of the notice must be attached to the quarterly report that lists the event. [Lobbyists = OAR 199-010-0075(3) - Client/Employer = ORS 171.750(2) and OAR 199-010-0095(3)]

SUBMITTING THE QUARTERLY REPORT – Review the information provided to make sure it is complete, then select *Submit*.

The lobbyist – client/employer must certify that the information contained in the report is correct by electronically signing the expenditure report form, i.e. by typing their full name as shown on their account profile, then:

- ✓ Check the **Confirmed** box **AND** ✓ Click on the **File Report** button.

Once the quarterly expenditure report has been successfully submitted an electronic confirmation notification should appear.

For additional details, information and examples in filing a quarterly report, please refer to the [Guide to Lobbying in Oregon](#).

~ WHATS NEW ~

2019 HB 3377 – “Respectful Workplace” Training & Reporting

In 2019, Oregon Legislation passed HB3377 which requires all lobbyists that were active lobbyists for any period during a year to complete a two-hour training presented by the Oregon Legislative Equity Office (LEO). This training is currently available on the LEO's website [here](#). Lobbyists are required to report their commitment to taking this training and the completion of the training in EFS. The update to EFS will be completed in October and lobbyists will be able to report their completed “Respectful Workplace” training for 2021.

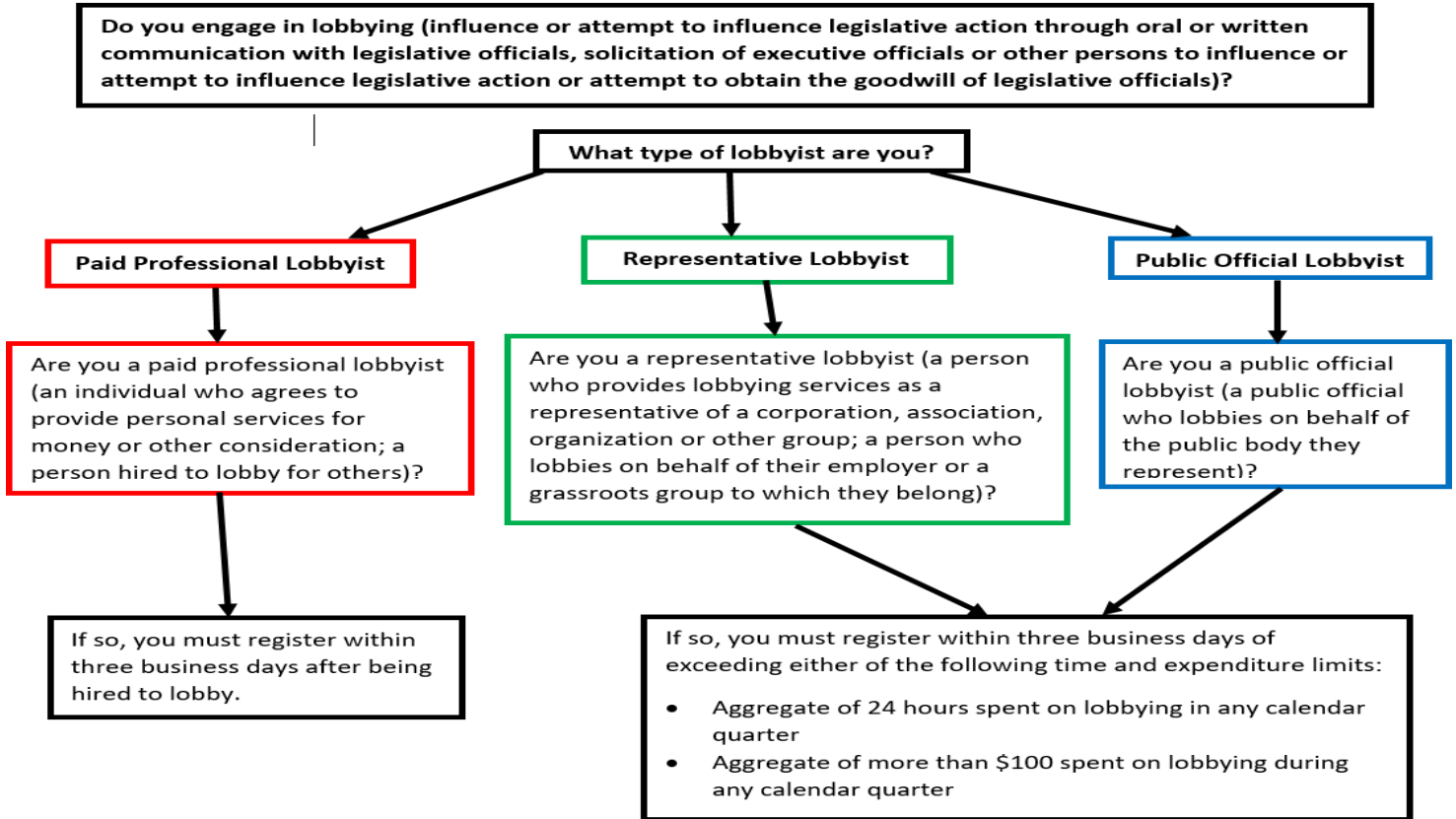
You can view updated information and steps on how to report your completed trainings [here](#) as this page will be updated as new information becomes available.

Lobbyist Flowchart

The following flowchart was created in an effort to simplify when an individual is required to register with the OGE as a lobbyist.



LOBBYIST REGISTRATION



You are not required to register if you are any of the following [see exceptions set forth in ORS 171.735]:

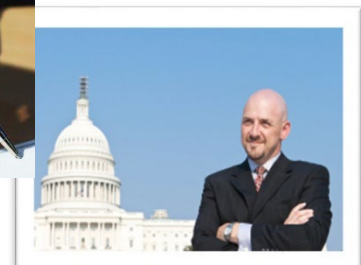
- News media who directly or indirectly urge legislative action.
- Individuals who receive no payment for lobbying, who limit lobbying to formal testimony before public sessions of committees or state agency public hearings, and who, when testifying, register an appearance in the records of the committees or agencies.
- Legislative officials acting in an official capacity.
- The Governor or any of the other senior level public officials identified in ORS 171.735(5).

If you have any additional questions, please call the Oregon Government Ethics Commission at (503) 378-5105

Quarterly Reporting Periods:



Quarter	Reporting Period	Report Due Date
1	January 1 st – March 31 st	April 15 th
2	April 1 st – June 30 th	July 15 th
3	July 1 st – September 30 th	October 15 th
4	October 1 – December 31 st	January 15 th



Advice/Guidance & Public Records

Reviewing Advice/Guidance that has been Issued by the OGEC

One can use the Case Management System (CMS) to review and search advice that has been previously issued by the Commission or OGEC staff. The analysis and advice is provided as to how the current provisions of law may apply to the specific circumstances presented.

[Link to Access CMS](#)

Requesting Advice/Guidance on Ethics Related Issues/Situations

The Oregon Government Ethics Commission (OGEC) is an independent state agency that administers and enforces [three areas of law](#). One of the core functions of the OGEC is to provide advice and guidance. Advice given by the Commission or Commission staff is based on the information and specific facts provided to the Commission by the requester. The Commission cannot determine whether an actual event that has already occurred is or is not a violation of law.

There are different levels of advice offered by the Commission:

A **Commission Advisory Opinion** is issued by the Oregon Government Ethics Commission pursuant to ORS 171.776 and ORS 244.280. A public official or lobbyist shall not be liable under Lobby Regulation law or Oregon Government Ethic law for any action or transaction carried out in accordance with a Commission Advisory opinion.

A **Staff Advisory Opinion** is a staff opinion that addresses the application of Oregon Government Ethics law, Lobby Regulation law and/or the Executive Session provisions of Public Meetings law only to the facts stated in the request. Any relevant information, which was not included by the requester in the stated facts, could completely change the outcome of the opinion. Other laws or requirements may also apply. The opinion does not exempt a public official from liability under the applicable law for any action or transaction carried out in accordance with the opinion, but it is a mitigating factor if a violation is found. The opinion is the personal assessment of the executive director of the Oregon Government Ethics Commission.

Informal Staff Advice is an informal response from OGEC staff that addresses the application of Oregon Government Ethics law, Lobby Regulation law, and the Executive Session provisions of Public Meetings law only to the facts stated/provided to the OGEC by the requester. This advice is offered in several forms, such as in person, by telephone, e-mail or letter. The advice issued restates the facts as presented in the request and the relevant laws or regulations that are applied. In addition, the advice given will provide a conclusion as to whether a particular action complies with the law.

To request advice/guidance on a particular issue or situation, contact the OGEC by email at: mail@ogec.oregon.gov or by phone at: (503) 378-5105.

PUBLIC RECORDS SEARCH & REQUESTS

The public has the right to inspect and copy certain public records maintained by the Oregon Government Ethics Commission (OGEC).

A request for copies of public records in the custody of the OGEC may be made by submitting a written request or by using the OGEC Public Records Request Form.

NOTE: Please refer to the request form instructions before submitting your document.

All records for lobbyists, client/employers of lobbyists, and statement of economic interest filers, beginning in 2016, are available through the Electronic Filing System (EFS).

Public records and documentation can be accessed by clicking on the following links:

[Electronic Filing System \(EFS\)](#) – Use this link to access/view OGEC records that are available on-line.

[Public Records Request Form](#) – Use this form for requesting public records in the custody of the OGEC that are NOT available on-line.

[Public Records Request Form Instructions](#) – *It is recommended to review these instructions prior to submitting a request for public records.*

Commission News

*final*thoughts...

ANNA SORTUN, a partner at Tonkon Torp LLP, was a member of the Oregon Government Ethics Commission from November 25th, 2019, to September 24th, 2021. During her time on the Commission, she asked questions that helped provide clarity for everyone involved, the Commission and the public officials before the Commission. We are grateful for her time on the Commission and her insight that she provided in our meetings. Anna has a very busy schedule with family and work, but luckily for us, she took a few moments to answer some questions from us about her time on the Commission and here is what she had to say:

Q1: What inspired you to apply to be a member of the Oregon Government Ethics Commission?

A1: I was looking for a way to volunteer some of my time for public service, and the work of OGEC allows me to serve while also using some of the skills I use in my day job as a lawyer, such as reading and applying statutes and rules.

Q2. What aspect of the Commission did you enjoy or appreciate the most?

A2: I appreciate that my fellow Commissioners and the OGEC staff focus first on education. The vast majority of public servants in Oregon strive to comply with the ethics rules and laws and the OGEC staff puts a lot of effort toward helping them do just that.

Q3. What are some key takeaways that you would care to share with current and/or future Commissioners?

A3: One key takeaway is that Commissioners work hard to even-handedly apply the law in a nonpartisan manner.

Q4: Any other relevant details that should be shared or you would want to be included?

A4: I wish I could have spent more in-person time with my fellow Commissioners! I only attended one meeting in person prior to COVID.

STAFF UPDATE ~ New Intern ~ Gabriel Regimbal



My name is Gabriel Regimbal, I am from Bellingham, Washington and I am a senior at Willamette University. I will graduate with a degree in Public Policy Law & Ethics (PPLE) and minor in economics and history. After I graduate, I plan to work in the public defender's office in Bellingham as an investigator and will eventually go to law school to become an attorney. Outside of school I enjoy running and exploring trails in Washington and Oregon. I am excited to be working for the Oregon Ethics Commission and look forward to seeing how this agency serves the state of Oregon.

Gabriel joined us in early September and will be with us for the Semester, which will be until mid-December. Gabriel will be assisting Commission staff with various projects during his internship. We are thrilled to have him and are looking forward to working with him.

Please join us in welcoming Gabriel to our team!

Willamette University

Public Policy Law & Ethics Department (PPLE) ~ Government Internship Program

Being located right next to the Oregon State Capitol has given Willamette University, and its Politics Department, now known as Public Policy Law & Ethics Department (PPLE), a great opportunity to introduce students to state and local government. For years, students were required to complete a legislative internship to obtain the politics degree, but now they are offered a second option. With the creation of the PPLE Department in recent years, students can now intern with a state or local government agency. This additional government internship is in accordance with the PPLE Department's decision to teach more about state and local politics.

When asked about the government internship course, PPLE Professor, Dr. Richard Ellis said: "The aim of this course is to give you the opportunity to gain practical experience in state or local government. In all cases, my hope is that first-hand exposure to the work of a state or local government agency will help to give you a deeper understanding of the important work that government does and the role it plays in our communities." For many students who want to go into politics they often gloss over a career in government in favor of nonprofit and advocacy work. The PPLE internships, through first-hand experience, expose students to state, local, and federal policies being implemented and enforced, hopefully inspiring some to consider a vocation in government.

In addition to working for state and local governments, students have the opportunity to hear from Willamette alumni, many of whom work in local government. As a current Willamette student, these guest speakers have helped me understand the important role local governments play in enacting change. I was always taught that all the important changes happened at the federal level and state and local governments simply followed suit, but this class and internship have disabused me of this notion. Furthermore, this internship class challenges students' understanding of government and politics, as many think of government in terms politicians and elected officials. Dr. Ellis hopes a governmental internship will expand students' understanding of government to encompass the work of public employees in addition to elected officials.

Today, Willamette students occupy a myriad of positions in state and local governments, each with the goal of developing a better understanding of local government. This practicum-based approach enriches state and local governments with potential employees and introduces students to the important work done by local government. Willamette University and the PPLE Department are thankful for all the state and local government offices that have agreed to be part of the internship program.

OGEC Executive Director Performance Review & Evaluation

OGEC is committed to providing the best services to the State of Oregon and its constituents. Part of that effort is to annually review the performance of the Commission's Executive Director, Ronald A. Bersin. Your input is requested and appreciated. You can access the survey [here](#).

Please submit your comments by **Monday, November 15, 2021**. Thank you for your assistance!

Forms & Publications

Be Sure to Check-Out the Newly Updated Guide to Lobbying:
[Guide to Lobbying in Oregon](#)

Additional Lobbying Resources:

[Lobbyist Registration Flowchart](#)
[AG Lobby Opinion 8259](#)
[ORS Chapter 171 – Lobby Laws & Rules](#)

Commission Calendar: [OGEC Commission Calendar](#)

Commission Newsletter: [OGEC Commission Newsletters](#)



Coming Soon >>>

Oregon Government Ethics Commission

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- ❖ *Jurisdictional Contact Role & Responsibilities*
- ❖ *Statement of Economic Interest Filer Information and Support*
- ❖ *JC & SEI Filer Tutorials, Instructional Guides and Resources*
- ❖ *JC & SEI Filer Training*
- ❖ *SEI Reporting Information*