Identifying Conflicts of Interest

For something to be a conflict of interest under Oregon Government Ethics Law, it must meet three criteria [ORS 244.020(1) & (13)]:

Official Action

You must be taking an official action within your role as a public official.

This could be a vote, decision, or recommendation.

+

Financial Impact

Your action must create or potentially create a financial impact.

That impact could be a financial benefit or detriment.

+

Specific People

The financial impact must affect specific people:

You, your relatives, your household members, or an associated business.

= **Conflict of Interest**

Once you've recognized that something meets these criteria and is a conflict of interest, you need to further analyze if it is an **actual conflict of interest** or **potential conflict of interest**.

Actual Conflict of Interest

The financial impact of your action is certain.

For example, you process business permits as part of your public official duties. Your parents apply for a permit. You processing their permit would have a certain financial impact; therefore it is an actual conflict of interest.

Potential Conflict of Interest

The financial impact of your action is possible, but not certain.

For example, you are voting on requirements for future city contracts. Your sibling owns a business that could apply for a future city contract. The financial impact is possible, but not certain; therefore it is a potential conflict of interest.

What do you do once you know you have a conflict? Flip the paper over to find out!

Disclosing Conflicts of Interest

When met with a conflict of interest, there are different disclosure requirements depending on the nature of the public official's position.

Members of the Legislative Assembly

- Must announce the nature of the conflict publicly.
- Announcement must be according to the rules of the house of which they are a member, before taking any action on the matter [ORS 244.120(1)(a)].

Other elected officials or appointed board and commission members

Announce publicly the nature of the conflict of interest.

- Announcement during the **public session** of a public meeting.

Then:

- If it is a **potential conflict of interest**, they may continue to participate in the discussion debate or vote on the matter.
- If it is an **actual conflict of interest**, they must refrain from participating in any discussion, debate or vote on the matter [ORS 244.120(2)].

Have questions? Contact us!
Email mail@ogec.oregon.gov
or call 503-378-5105.

Any other appointed official (describing public employees)

Must notify their appointing authority (supervisor, director, etc.) in writing. It must:

- Describe the nature of the conflict.
- Request the authority dispose of the matter.

The authority will respond with how to handle the matter. They will either have someone else handle it or give specific instructions on how to proceed. [ORS 244.120(1)(c)].

Judges

- Must be removed from the case giving rise to the conflict.
- Or they must advise the parties of the nature of the conflict [ORS 244.120(1)(b).

Minimum Votes Exception: An elected public official (or one serving on a board/commission) may be able to vote with an actual conflict of interest. This exception only applies when their vote is needed to meet the minimum number of votes to take official action. They would still need to make their public disclosure and would not be able to participate in any discussion or debate [ORS 244.120(2)(b)(B)].