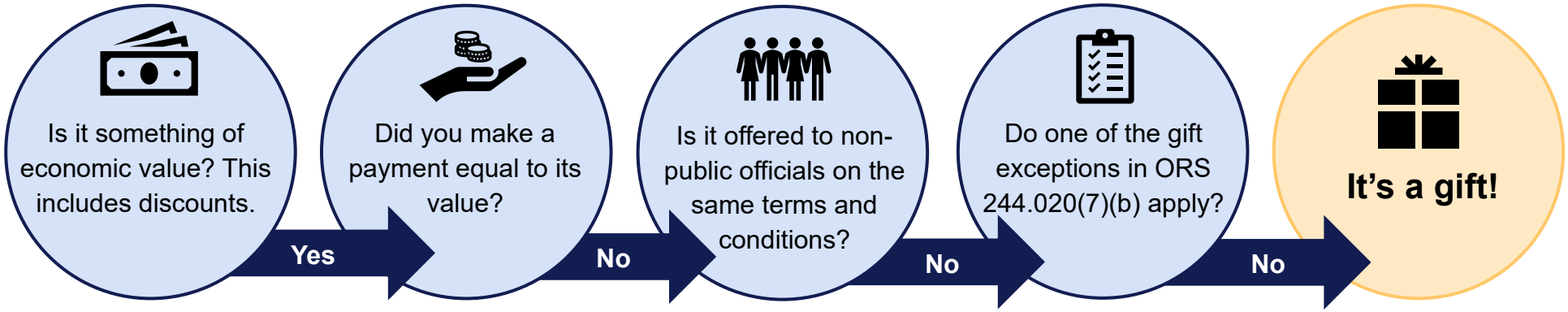
Gifts Flowchart

1 Is it a gift?

The restrictions in ORS 244.025 limit gifts that can be accepted by a public official, candidate, a relative, or a household member of a public official or candidate. But first we need to know what counts as a gift under Ethics Law!



2 Does the source have a legislative or administrative interest?

Who is the source of the gift?

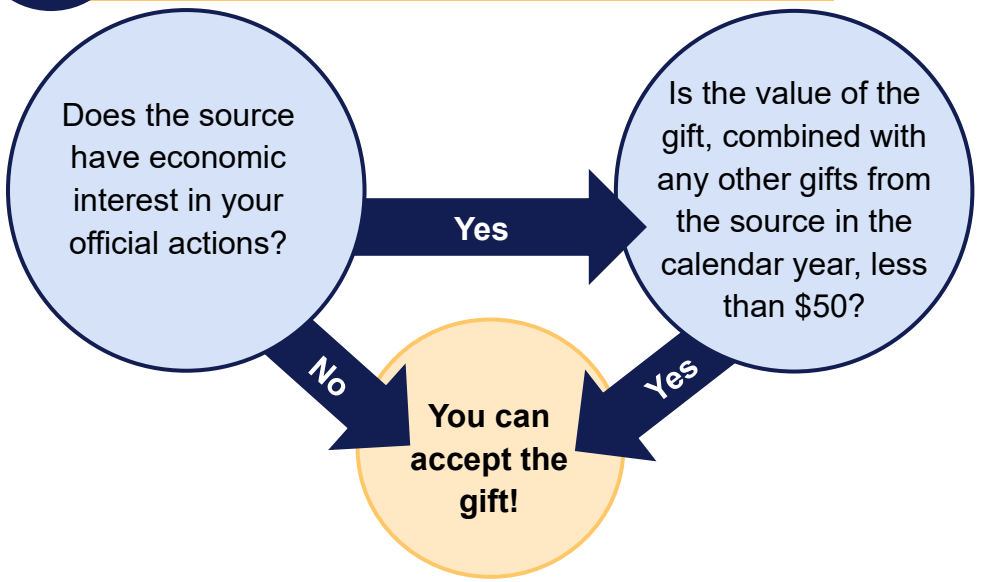
The source is the ultimate payer of the expense. [OAR 199-005-0030].

Does the source have a legislative or administrative interest?

Are you in a position where you could make a decision or vote? Could those actions have an economic impact on the source of the gift that is distinct from the impact on the general public?

Also known as an **economic interest in your official actions**.

3 Can you accept the gift?



Gift Exceptions

Admission/Food/Beverage

(E): Representing government at reception, meal, or meeting

- Invited & paid for by organization
- Cannot be a private meal
- OAR 199-005-0015

(L): Food or beverage incidental to main purpose of event

- No cost to attendees
- OAR 199-005-0001(3)

Entertainment

(M): Incidental to main purpose of another event

- No personal participation (i.e. golf)
- Secondary to main event
- OAR 199-005-0025(1)

(N): Representing government for ceremonial purposes

- Invited by source of entertainment for related special occasion (ceremony)
- A staff member can join if they are performing official duties
- OAR 199-050-0025(2)

Food/Lodging/Travel

(F): Paid by tribe, government, 501(c)(3), or membership org which an Oregon public body pays dues

- Only for public official's expenses
- For attendance at convention, fact-finding mission, conference or meeting if speaking, presenting, participating, or representing government
- Expenses $50+ reported on SEI
- OAR 199-005-0020

(H): Representing government in an officially sanctioned trade-promotion, fact-finding mission, economic development, or negotiations

- Expenses for public official and an accompanying relative, household member or staff member
- Written approval with receipt of expenses received in advance
- Expenses $50+ reported on SEI
- OAR 199-005-0020

(K): Travel paid by one public official for another within Oregon

- To/from an event when participating in official capacity, only within Oregon

Customary Practice

(O): Gifts as usual/customary practice of private business

- Bears no relationship to public official's official positions
- OAR 199-005-0027

Award

(C): Unsolicited award of appreciation

- Plaque, trophy, desk or wall item, or similar
- Resale value must be < $25
- Engraved items are valued at < $25, unless raw material is worth more
- OAR 199-005-0010

Professional Licensing/Materials

(D): Information, publications, and subscriptions related to performance of recipient's official duties

(J): Continuing education expenses paid for professional licensing requirement

*This is not intended to substitute for review of law; select gift exceptions ((A), (B), (G), (I), & (P)) excluded.