

Oregon Government Ethics Law

Guide for Public Officials (2026)



Oregon Government Ethics Commission

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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 17](#), 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.

Using This Guide

The Guide is available as a PDF. It can be printed or viewed electronically. For those viewing it electronically, certain terms are hyperlinked. Glossary terms and links to pages within the document are italicized, underlined, and colored blue as shown in this example: [Glossary terms](#). Links to external web pages are underlined and colored blue as shown in this example: [OGEC website](#).

If a plain text version is needed as an accommodation or you have any questions on navigating the Guide, please email mail@ogec.oregon.gov.

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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
- Lobby Law
- Public Meetings Law

This Guide focuses on Ethics Law and discusses how certain provisions of Ethics Law apply to [public officials](#). 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.

The Ethics provisions include [conflicts of interest](#), [prohibited use of office](#), [gifts](#), private employment, [nepotism](#), and [statements of economic interest](#). This Guide discusses some common examples that OGEC staff often get 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, review 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 statutes, administrative rules, and 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, go to [page 134](#).

Statutes and Administrative Rules Referenced in the Introduction Section

- ORS Chapter 244, Government Ethics Law
- ORS 244.010, regarding Ethics Law policy
- ORS 171.725 to 171.785 and 171.992, Lobbying Regulation
- ORS 192.610 to 192.705, Public Meetings Law
- OAR 199, Division 1, Procedural Rules
- OAR 199, Division 5, Gifts
- OAR 199, Division 8, Compliance and Sanctions
- OAR 199, Division 10, Lobby Registration and Reporting
- OAR 199, Division 20, Statement of Interest
- OAR 199, Division 40, Executive Session
- OAR 199, Division 50, Public Meetings Law

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.

Beginning January 1, 2027, at least one of the nine Commissioners must have experience in local government, per House Bill 4159 (2026).

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. OGET 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 conduct investigations when OGET receives complaints regarding public officials. They also provide assistance with filing reports (for Statements of Economic Interest and for lobbying).

The Oregon Department of Justice provides legal counsel for the Commission and the agency.

Statutes and Administrative Rules Referenced in the Oregon Government Ethics Commission Section

- ORS 244.250(1)-(3), relating to the appointment and term of Commissioners
- ORS 244.250(7), relating to the Attorney General as legal counsel
- ORS 244.310, relating to the appointment of the executive director

- House Bill 4159 (2026), relating to the local government experience requirement
- OAR 199-001-0010, relating to Commission meetings and procedures

Jurisdiction

The jurisdiction of OGEC is limited to provisions in Ethics Law, Lobby Law and Public Meetings Law.

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 it may not violate Ethics Law. The following are examples of conduct 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
- Bullying or being rude
- Blocking members of the public from their social media accounts
- Taking retaliatory actions
- Taking actions when they are not acting in their official capacity
- Engaging in abuses of power

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

Statutes and Rules Referenced in the Jurisdiction Section

- ORS Chapter 244, Government Ethics Law
- ORS 171.725 to 171.785 and 171.992, Lobbying Regulation
- ORS 192.610 to 192.705, Public Meetings Law

- OAR 199, Division 1, Procedural Rules
- OAR 199, Division 5, Gifts
- OAR 199, Division 8, Compliance and Sanctions
- OAR 199, Division 10, Lobby Registration and Reporting
- OAR 199, Division 20, Statement of Interest
- OAR 199, Division 40, Executive Session
- OAR 199, Division 50, Public Meetings Law

Public Officials

The first step in understanding Ethics Law is to understand who the law applies to - individual public officials and certain people and [businesses](#) connected to 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
 - As 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 the Oregon Constitution and state law. Political subdivisions can include:

- Counties
- Cities

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

An *agent* is an individual performing governmental functions. Governmental functions are services provided on behalf of the government rather than services provided to the government. States, counties, cities, special districts, or intergovernmental agencies may have *agents* that include private companies or nonprofits.

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, city government, special district, or intergovernmental agency
- An employee of a state, county, regional, city government, special district, or intergovernmental agency
- An unpaid volunteer for a state, county, regional, city government, special district, or intergovernmental agency

Statutes and Administrative Rules Referenced in the Public Officials Section

- ORS 174.109, definition of “public body” as used in the definition of “public official”
- ORS 244.020(15), definition of “public official”

- OAR 199-008-0005(7), definition of “agent”

Definitions

The cornerstone of Ethics Law is to safeguard the public trust that public officials have with the public and their constituents. Ethics Laws prohibit 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

It is important to understand 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 these terms are used in Ethics Law.

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

Examples of the benefits mentioned in the last two bullet points may include, but are not limited to, items in an [official compensation package](#), health or other insurance benefits, tuition, and retirement benefits. For more information on what an official compensation package is and what can be included in it, go to [page 66](#).

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. 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 live on the same property, but who reside in a separate dwelling, such as alternative dwelling units (ADUs), separate apartment units, 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 ([page 62](#))
- Limit the value of financial benefits their relatives or household members can accept ([page 94](#))
- Require the public official to reveal any conflicts of interest when a relative or household member may receive a financial benefit ([page 35](#))
- Restrict a public official from employing or supervising their relative or household member ([page 114](#))

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.

The definition of business does not include:

- Income-producing not-for-profit corporations that are tax exempt under section 501(c) of the Internal Revenue Code, provided that the public official, a relative, or a household member is associated with the not-for-profit corporation in one of the following ways:
 - a general member

- a member of its board of directors
- a volunteer or someone serving in an unpaid position
- Governmental entities, such as a state, county, regional, city government, special district, or intergovernmental agency

Once a public official determines whether an entity meets the definition of a business, they must then determine if it is a *business with which the person is associated*. It is a business with which they are associated if the business is:

- A private business or closely held corporation and:
 - the public official, relative, or household member is a director, officer, owner, employee, or agent of the business; or
 - the public official, a relative, or household member owns or has owned stock, another form of equity interest, stock options, or debt instruments worth \$1,000 or more at any point in the preceding calendar year.
- A publicly held corporation and:
 - the public official, relative, or household member is a director or officer of the corporation; or
 - the public official, relative, or household member owns or has owned stock, another form of equity interest, stock options, or debt instruments worth \$100,000 or more at any point in the preceding calendar year.

- For a public official required to file a statement of economic interest (SEI) under ORS 244.050, any business listed as a source of [income](#) on their SEI. For more information on Statements of Economic Interest and which public officials are required to file one, go to [page 127](#).

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 that the public official, or a relative or household member, is associated with ([page 62](#))
- Require a public official to reveal any conflicts of interest when a business that the public official, or a relative or household member, is associated with may receive a financial benefit ([page 35](#))

Statutes and Administrative Rules Referenced in the Definitions Section

- ORS 244.010, relating to Ethics Law policy
- ORS 244.020(2), definition of “business”
- ORS 244.020(3), definition of “business with which the person is associated”
- ORS 244.020(11), definition of “member of the household”
- ORS 244.020(15), definition of “public official”
- ORS 244.020(16), definition of “relative”

- ORS 244.025, relating to gifts
- ORS 244.040, relating to prohibited uses of office
- ORS 244.042, relating to honoraria
- ORS 244.050, relating to people required to file a statement of economic interest
- ORS 244.060(3), relating to statement of economic interest, sources of income
- ORS 244.120, relating to conflicts of interest
- OAR 199-008-0005(2), definition of “official duties”
- OAR 199-008-0005(3), definition of “official compensation package”

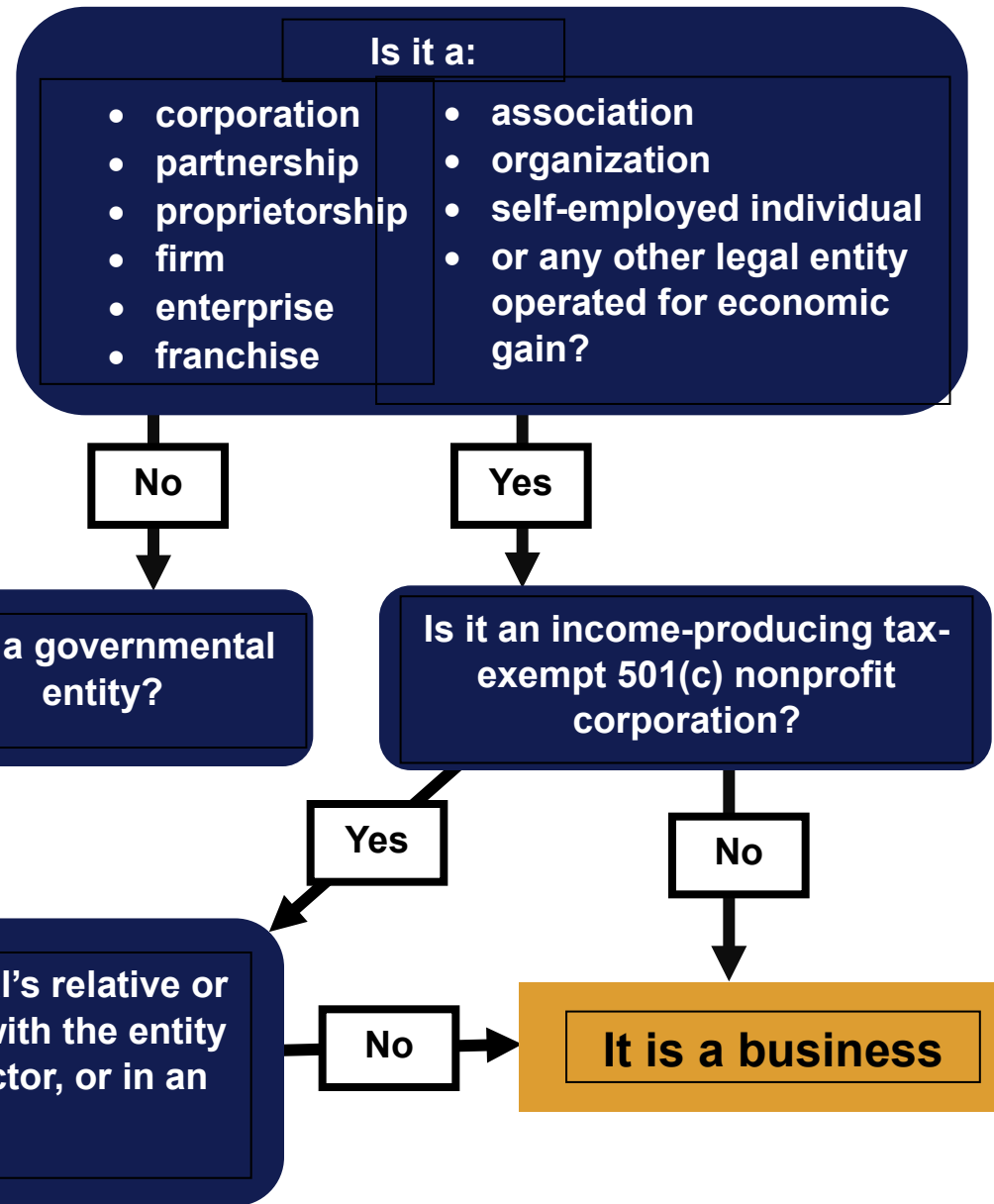


Oregon Government Ethics Commission

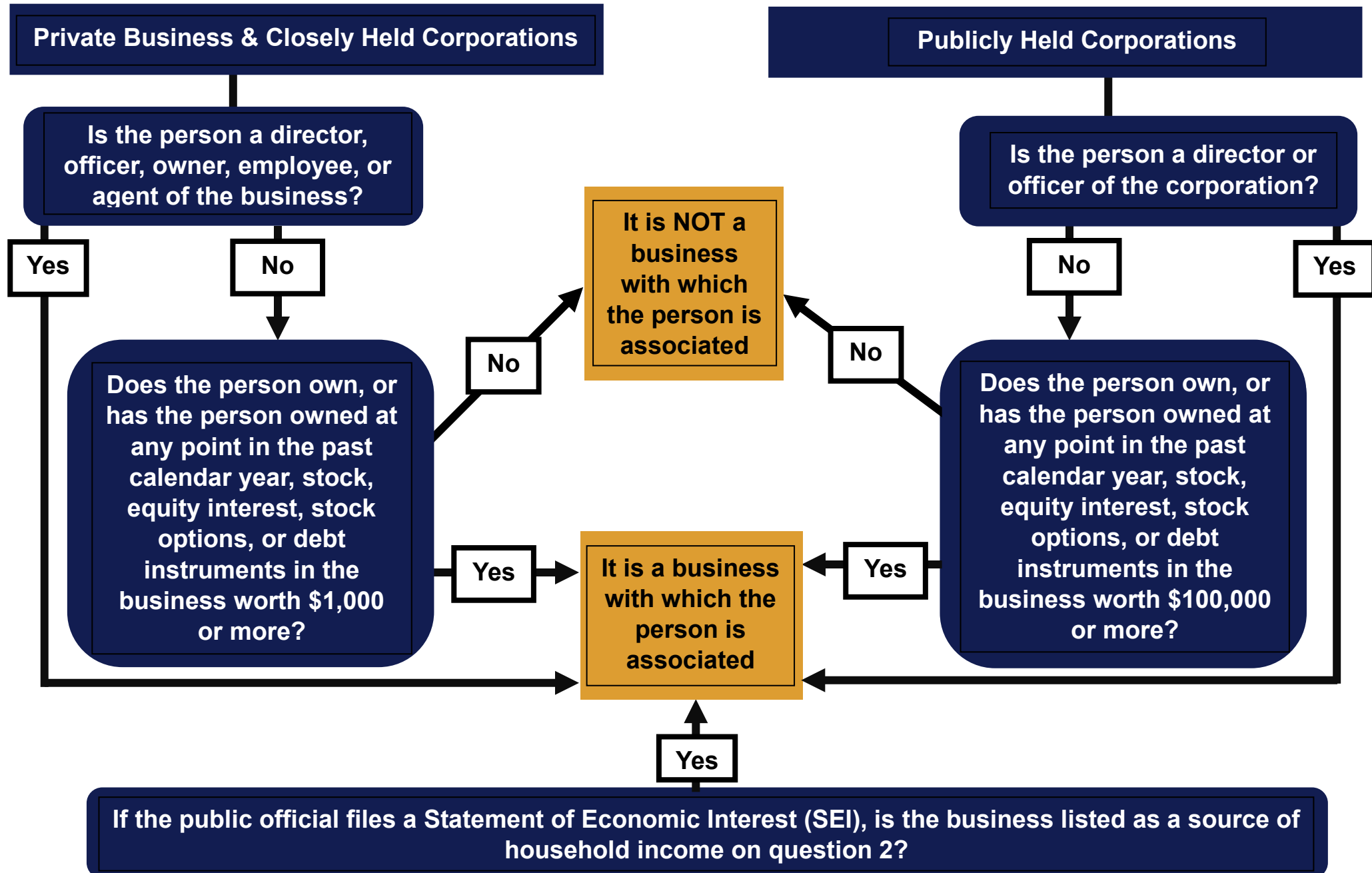
#1 – Is it a business?

Associated Business Flowchart ORS 244.020(2) & (3)

Many ORS 244 provisions apply to public officials, their relatives, their household members, and businesses associated with public officials, their relatives, or their household members.
Use the flowcharts provided to determine if an entity is a business and if it is one which a person is associated with:



#2 – Is the business one with which a public official, their relative, or household member is associated?



Public Official Frequently Asked Questions

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

Yes. A volunteer with an Oregon public body is 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?

For most public officials, the answer is no. But if you are a public official required to file an SEI, you will need to determine if the nonprofit meets the definition of a business. If it does, then you will need to know if it contributes more than 10% of your annual household income. If it does, then it would be a business that you are associated with.

Is the nonprofit a 501(c) corporation? If not, then it is a business. If it is a 501(c) corporation, then is the public official, or their relatives or household members, only associated with it as a member, or on the board of directors, or in an unpaid capacity? If so, then it would not qualify as a business, and so would not be a business that you are associated with. But if you, or your relatives or household members, are being paid by the 501(c) corporation, then it is not only a business, but if the payments contribute 10% or more of your annual household income, it will need to be listed as a source of income on your SEI. And it would also be a business that you are associated with for purposes of the Ethics Law.

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?

Because your spouse is a paid employee of the 501(c) nonprofit, it qualifies as a business. As discussed later in this Guide, not all public officials are required to file an SEI, but all city councilors are required to file an SEI. The SEI requires disclosure of those businesses that contribute 10% or more of the public official's annual household income.

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.

If your spouse's income from the nonprofit is more than 10% of your household's annual income, the nonprofit would need to be listed as a source of household income on your SEI. If it is listed as a source of income on your SEI, then it is a business you are associated with. But if your spouse's income from the nonprofit is less than 10% of your household's annual income, then the nonprofit would not need to be listed as a source of household income on your SEI, and it would not be a business that you are associated with.

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

If the ADU is indeed a separate rental unit, then the answer is no. Things that the Commission may take into consideration in making that determination include:

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

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.

Statutes and Administrative Rules Referenced in the Public Officials FAQ Section

- ORS 244.020(2), definition of “business”
- ORS 244.020(3), definition of “business with which the person is associated”
- ORS 244.020(9), definition of “income”
- ORS 244.020(11), definition of “member of the household”
- ORS 244.020(15), definition of “public official”
- ORS 244.020(16), definition of “relative”
- ORS 244.060(3), relating to statement of economic interest, sources of income

Conflicts of Interest

A conflict of interest occurs when a public official makes a [decision](#) or [recommendation](#), or takes an [official action](#) that would (actual conflict of interest) or could (potential conflict of interest) financially impact, positively or negatively, any one or more of the following:

- The public official
- A relative of the public official
- A member of the public official's household
- A business associated with the public official
- A business associated with the public official's relatives or household members

It is important to note that the types of conflicts of interest addressed in Ethics Law are limited to financial conflicts of interest. They do not address issues such as bias or favoritism.

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.

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.

The difference between a potential and an actual conflict of interest rests on the certainty that a financial impact will result from the decision, recommendation, or action. You can have an actual conflict of interest even if the decision, recommendation, or action will need further approval or action by another public official or governing body before it can be implemented.

Statutes and Administrative Rules Referenced in the How to Identify a Conflict of Interest Section

- ORS 244.020(1), definition of “actual conflict of interest”
- ORS 244.020(2), definition of “business”
- ORS 244.020(3), definition of “business with which the person is associated”
- ORS 244.020(11), definition of “member of the household”
- ORS 244.020(13), definition of “potential conflict of interest”
- ORS 244.020(15), definition of “public official”
- ORS 244.020(16), definition of “relative”

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. A public official does not violate the Ethics Law simply because they have a conflict of interest. To comply with the Ethics Law, public officials must identify their conflicts of interest, describe the nature of those conflicts, and then properly disclose and dispose of those conflicts. For certain public officials and in certain situations, that may mean they are prohibited from discussing or voting on a matter.

If a public official has a conflict of interest, it is not enough to merely state that they have a conflict. The public official must describe the nature of the conflict by explaining 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. This disclosure must be made for each conflict that exists, which may mean that a public official is required to describe multiple actual or potential conflicts of interest before making a decision or taking official action.

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 in the legislative assembly. Ethics Law requires that the public announcement occur before the legislator takes any action on the matter.

The Oregon Attorney General's Office has issued an Opinion that the provisions of Article IV, section 9, of the Oregon Constitution mean that only the Legislative Assembly may investigate and [sanction](#) its members for violations of conflict of interest disclosure rules in ORS 244.120.

However, if a legislator holds a separate position as a public official, such as the Director of IT Department for a city or as a volunteer firefighter, when a conflict of interest arises while serving as a public official in this separate position, they would not be acting as a legislator and 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 them if they failed to properly declare their conflicts of interest as it related to their separate position as a public official.

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. Judges are also subject to separate ethics rules governing their profession, which are outside OGEC's jurisdiction.

Public Employees

ORS 244.120(1)(c) requires that public officials who are public employees, volunteers, or agents of a government entity must give written notice of their conflict of interest to their direct supervisor or other person who appointed or employed them (appointing authority). The written notice must describe the specific nature of each conflict of interest and request that 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.

The following is a sample written disclosure for a public employee, volunteer, or agent:

Dear [Supervisor], I am writing to let you know that I have an [insert actual or potential] conflict of interest. The conflict arises because [insert specific facts, listing the person who will be financially impacted or the business involved, and how the conflict is related to your duties]. I am requesting that you resolve the conflict of interest by either assigning the matter to a different person or directing me to address the conflict in a specific manner.

Example: A public official is a maintenance worker and also a member of a scoring committee related to a public contract for pouring sidewalks in front of the Library. One of the companies bidding for the contract is owned by the public official's sister. In this situation, the public official has an actual conflict because the public official will be making a recommendation that will financially impact the public official's sister. To disclose this conflict, the public official would write their supervisor:

Dear Supervisor, I am writing to let you know that I have a conflict of interest. The conflict arises because I am a member of the scoring committee for the sidewalk project at the Library, and my sister Jane Doe is the owner of Acme Asphalt Inc., which submitted a bid for the sidewalk project. My participation in the scoring would financially impact my sister's company. I am requesting that you resolve the conflict of interest by either removing me from the scoring committee or directing me to address the conflict in a specific manner.

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 deciding, recommending, or taking any official action on the matter.

For most elected officials or members of boards and commissions, the public announcement must be made in a public meeting (see below if you are a public official who does not participate in any public meetings). The public announcement must be made each time the conflict arises. For instance, if the matter is being considered across multiple meetings, the public official must declare the conflict(s) at each meeting. As part of the public announcement, the public official must provide enough information to describe the nature of their conflict of interest and indicate whether it is a potential conflict of interest or an actual conflict of interest. This distinction is necessary because ORS 244.120(2) 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 actions on the matter. That means that the public official may discuss or vote on the matter out of which the conflict arises.
- **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.
- **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 exception does not apply to voting on the approval of the adoption or the amendment of any compensation, stipend, or other benefits.

The Commission recognizes that some elected officials, such as sheriffs, district attorneys, or statewide office holders, such as the Secretary of State, the State Treasurer, or the Commissioner of the Bureau of Labor and Industries, 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 their public body's website. Another option would be to make a public announcement at the public

meeting of another public body. For example, county employees like sheriffs, district attorneys and surveyors could make their public disclosure at a county commission meeting.

The following are sample disclosure scripts for publicly announcing, at a public meeting, actual and potential conflicts of interest by elected public officials or those appointed to boards or commissions:

Actual Conflict: I have an actual conflict of interest. The conflict arises because [insert specific facts, listing the person who will be financially impacted or the business involved, and how the conflict is related to the public official's decision, recommendation, action, or vote]. Because this is an actual conflict of interest, I am recusing myself from any discussion or vote on this matter.

Example: City Council is deciding a variance request filed by a business owned by the Mayor, so the Mayor has an actual conflict of interest. The Mayor would state at each meeting where the variance is being considered or voted upon:

I have an actual conflict of interest in this matter. The conflict arises because I own Acme Company, and that company has applied for a variance that is being considered by the Council. The granting or denial of the variance would financially impact my business, Acme Company. Because this is an actual conflict of interest, I am recusing myself from any discussion or vote on this matter.

Potential Conflict: I have a potential conflict of interest. The conflict arises because [insert specific facts, listing the person who will be financially impacted or the business involved, and how the conflict is related to the public official's

decision, recommendation, action, or vote]. Because this is a potential conflict of interest, I will still participate in this matter.

Example: The school board is developing criteria for a construction bid process. An elected school board member's son owns a construction company. The school board member would be met with a potential conflict of interest because actions on the construction bid process could financially impact her son's construction company. At each meeting where the bid process was being considered or voted on, the school board member would state:

I have a potential conflict of interest. My son John Doe owns the Acme Construction company in town and may bid or be a contractor on the new elementary school construction project. The construction project could benefit my son and/or his business. Because this is a potential conflict of interest, I may continue to participate in this matter.

Disclosures that Are Not Conflicts of Interest

Often, people do not have a conflict of interest in, as defined in Ethics Law. But, because of a personal connection or personal relationship to a person or business, a public official may feel that it's necessary to make a public announcement to be transparent. The public official may feel that it's necessary to disclose the nature of the relationship or not participate in a vote.

Public officials in these situations should avoid referring to these scenarios as conflicts of interest. Rather, it would be more appropriate to describe the nature of the relationship and explain what steps the public official is going to take.

Example: The town council is considering sidewalk improvements on one block in town. The sidewalk that will be improved is in front of the home of one of the town's councilor's friends. The friend does not meet the definition of a relative or member of the household. That means that there is no conflict of interest as defined by Ethics Law, so making a conflict of interest disclosure would not be appropriate. But the public official wants to be transparent. The town councilor could state:

I do not have a conflict of interest, but I am friends with one of the people whose home is located on the street where we are considering making sidewalk improvements. Since this is not a conflict of interest, I will be participating in the discussion and vote on this matter.

Local jurisdictions may have stricter rules regarding the types of relationships that need to be disclosed. A public official should check with their public body's human resources department or legal counsel for any additional disclosures that are required that do not fall under Ethics Law.

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. For this reason, it is recommended that a regular or special meeting be noticed with an executive session to allow any conflicts of interest to be publicly disclosed before entering the executive session.

During an executive session, if a public official realizes they have a conflict of interest that was otherwise unforeseeable, there are a few ways the public official can address the issue:

- If the executive session was held in conjunction with a regular or special meeting (open meeting), the governing body may recess the executive session and return to the open session of the public meeting. Once in the open session, the public official can then make their conflict of interest announcement. Following that disclosure, the governing body can return to executive session.
- If the executive session was noticed as a standalone executive session (not in conjunction with a regular or special meeting), the public official must leave the executive session meeting, or that portion of it that involves the matter for which they have a conflict, after stating on the record that they are doing so. At the next public meeting following the executive session, the public official must publicly disclose the conflict of interest and what occurred (for example, that they left the executive session, or a portion of it, and did not participate in the discussion of the matter giving rise to their conflict).
- The governing body can postpone the executive session matter to a future executive session. This would allow the public official to publicly announce their conflict of interest in a regular or special open session prior to entering that future executive session.

This Guide does not address Public Meetings Law requirements, including what is a regular meeting, special meeting or executive session or how those meetings need to be publicly noticed. The Commission's administrative Rules, OAR 199, clarify provisions

of Public Meetings Law. [The Attorney General's Public Records and Meetings Manual](#) (AG Manual) also covers Public Meetings Law in detail.

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:

- A conflict of interest may not exist if the financial impact arises from the public official's membership in a particular business, industry, occupation, or other class, and that membership is a prerequisite required by law to hold the office or position.

In Staff Advisory Opinion 19-136S, OGEAC applied this exception to a governing body required to include one person with banking experience. A U.S. Bank employee was appointed to the governing body. The exception 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 they worked for, that would result in a conflict of interest and the exception would not apply.

- 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. This is called the class exception.

The Commission is the only entity 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.

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.

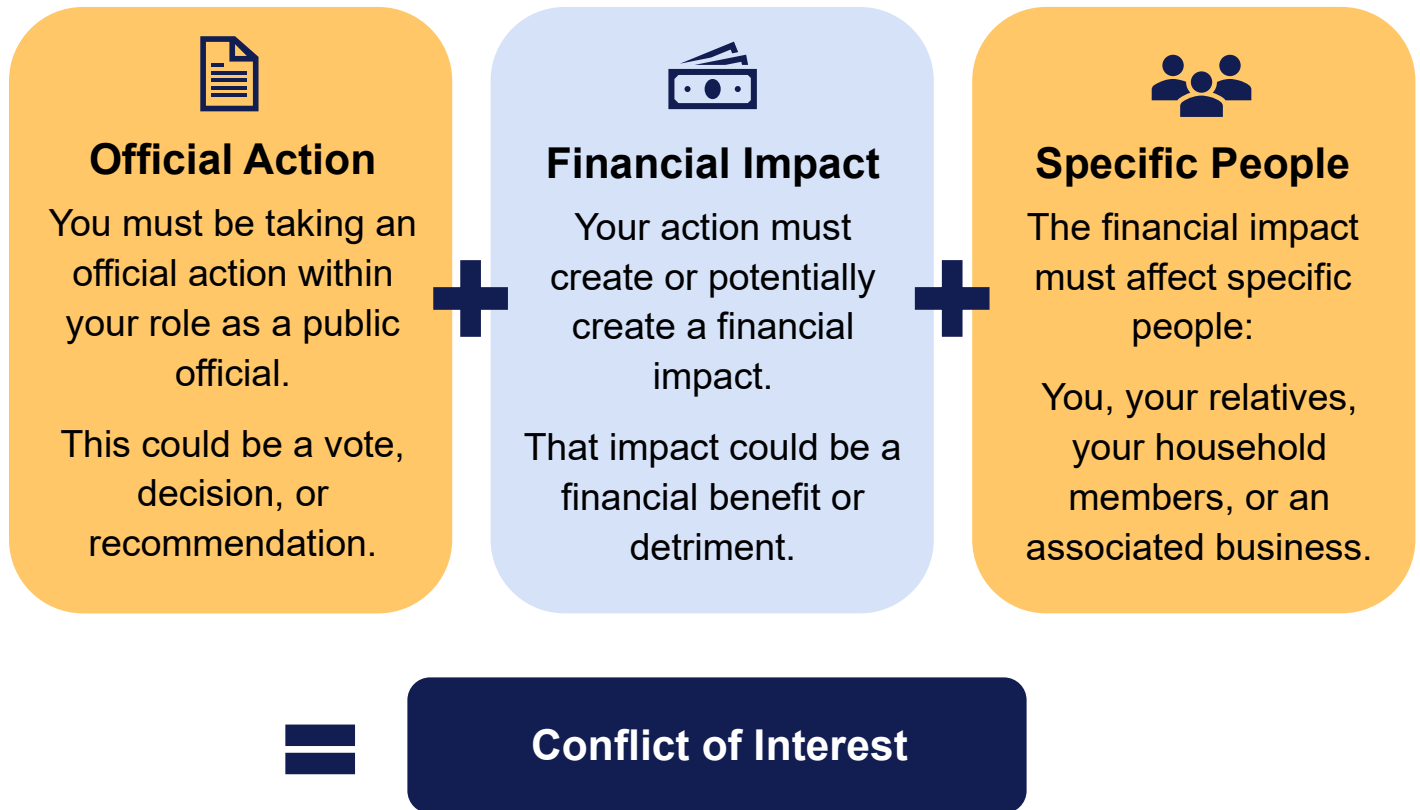
Statutes and Administrative Rules Referenced in the How to Address a Conflict of Interest Section

- ORS 244.020(1), definition of “actual conflict of interest”
- ORS 244.020(2), definition of “business”
- ORS 244.020(3), definition of “business with which the person is associated”
- ORS 244.020(11), definition of “member of the household”
- ORS 244.020(13), definition of “potential conflict of interest”
- ORS 244.020(13)(a), regarding the membership exception
- ORS 244.020(13)(b), regarding the class exception
- ORS 244.020(13)(c), regarding the nonprofit exception
- ORS 244.020(15), definition of “public official”
- ORS 244.020(16), definition of “relative”

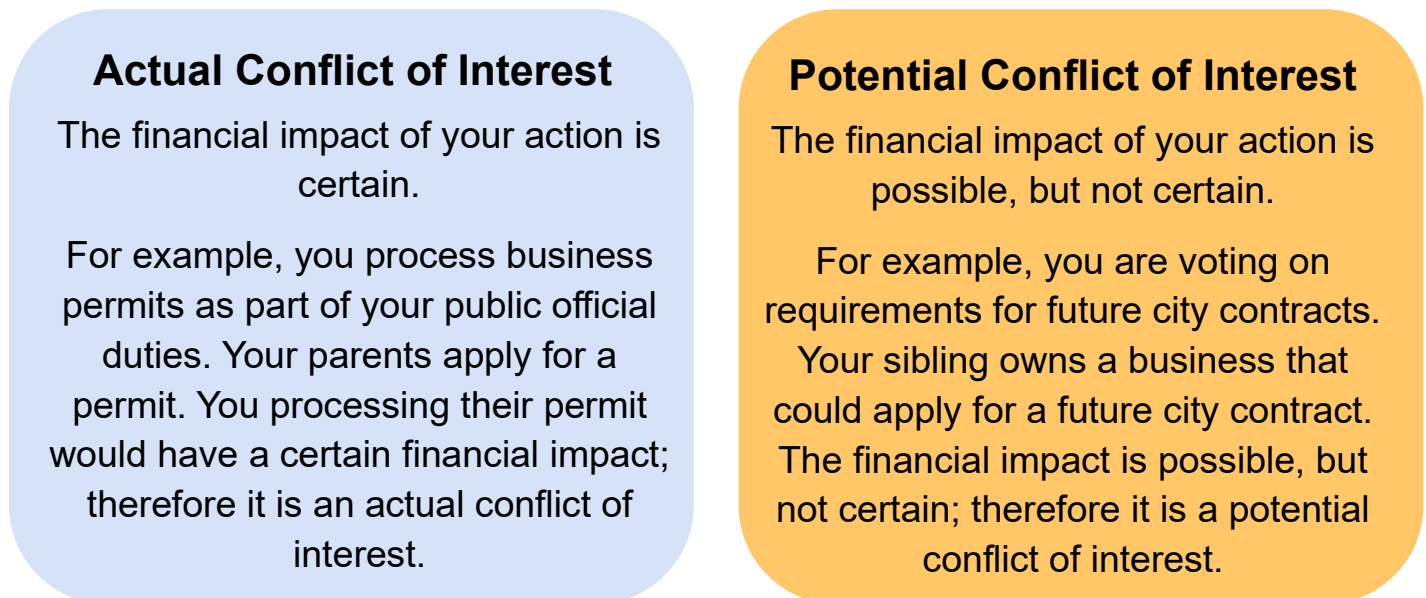
- ORS 244.120, regarding methods of handling conflicts of interest
- ORS 244.120(2)(b)(B), regarding the minimum vote exception
- ORS 244.020(2)(b)(C), regarding the budget vote exception
- 49 Op. Atty. Gen. 167 (1999) issued on February 24, 1999.
- Staff Advisory Opinion 19-136S
- Commission Advisory Opinion 19-240A

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)]:



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**.



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.

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)].



**Any other appointed
official (describing
public employees)**

- 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)].



Judges

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)].

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 **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 to the employee's supervisor.

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 a limited liability company. 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 public official is in a position take actions, or make decisions or recommendations about the consulting company's contract that either **could or would** have a financial impact on the consulting company. So the contract administrator will be

met with a conflict of interest each time they take action, make a decision, or make a recommendation regarding the consulting company's contract. The first time a matter relating to the consulting company's contract comes up, the contract administrator will need to submit a written disclosure of the nature of their conflict of interest to their supervisor (appointing authority) and ask their supervisor to either assign the matter to another employee or give them direction on how to handle the matter. If the supervisor directs the contract administrator to handle the matter in a specified manner, the contractor administrator must do so. If a new matter comes up - either a new contract or something that was not covered by the supervisor's prior directive - the contract administrator will need to submit a new written conflict of interest disclosure and ask for direction on how to handle that matter.

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.

For example, the public official could 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 or 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 decision whether to grant a permit or not would financially impact your daughter, who is a relative. If you reject 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 approve the application, your daughter would be positively financially impacted because she would be able to operate her food truck in the district's park. Either way, because there is a financial impact to your relative, you are required to declare your conflict of interest in writing to your supervisor.

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, makes a decision, or makes a 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, make decisions, or make 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.

Local jurisdictions may have stricter rules as part of their charter, ordinances, rules, or bylaws. You will need to check if your particular situation implicates any locally-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 prohibits spouses, relatives, or household members from serving on the same board, commission, city council, or other governing body.

One issue presented by spouses, relatives, or household members serving on the same board is that they may have the same conflicts of interest arise, potentially limiting their ability to participate in discussions, deliberations, actions or votes on the matters out of which the conflict of interest arises. Another issue concerns how the spouse of the current board member was appointed to the board. Were they publicly elected to the board? Or were they appointed by the current board members? If a current board member's spouse is to be appointed

by current board members, the current board member whose spouse is being appointed would need to follow the Ethics Law requirements regarding nepotism ([page 114](#)).

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 the public official has to state the specific factual reasons why a conflict of interest exists.

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 later meeting.
- An employee in a city planning department must give a separate written notice to their supervisor before each time they need to take an official action related to a 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. As a best practice, 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 official meeting minutes or audio or video recordings of public meetings.

I serve as a member of 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 of the Ethics Law's prohibition on their voting?

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 an actual 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 necessary 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 on the matter.

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. OGE 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 minimum vote exception applies.

Public officials should also check with their own body's laws and rules, as they may be stricter than Ethics Law when it comes to voting and conflicts of interest.

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 budget vote 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 open 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.

Statutes and Administrative Rules for the Conflicts of Interest FAQ Section

- ORS 244.020(1), definition of “actual conflict of interest”
- ORS 244.020(2), definition of “business”
- ORS 244.020(3), definition of “business with which the person is associated”
- ORS 244.020(11), definition of “member of the household”
- ORS 244.020(13), definition of “potential conflict of interest”
- ORS 244.020(13)(a), regarding the membership exception
- ORS 244.020(13)(b), regarding the class exception
- ORS 244.020(13)(c), regarding the nonprofit exception
- ORS 244.020(15), definition of “public official”
- ORS 244.020(16), definition of “relative”
- ORS 244.120, regarding methods of handling conflicts of interest
- ORS 244.120(2)(b)(B), regarding the minimum vote exception
- ORS 244.020(2)(b)(C), regarding the budget vote exception

- ORS 244.177, regarding employment of relatives or members of household
- ORS 244.179, regarding supervision of relatives or members of household

Prohibited Use of Office or Position

Ethics Law prohibits public officials from using or attempting to use their office or position to obtain a financial benefit or to avoid a financial harm (together referred to as a financial impact), if the financial impact would not otherwise be available but for the office or position they hold. The prohibited use of office or position provisions apply to financial impacts on:

- the public official, the public official's relatives, and the public official's household members
- any businesses that the public official, their relatives, or their household members are associated with

The following are some examples of a public official's prohibited use or attempted use of their office or position:

- 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 company that employs the superintendent's spouse.
- A volunteer firefighter lets their roommate do their laundry at the fire station.
- A city councilor pressures staff to change a proposed ordinance to increase the value of real estate that the city councilor owns.

- A sheriff's office employee submits a timecard indicating they are entitled to overtime when that employee did not actually work the overtime hours.
- A teacher sends a flyer home with students advertising the teacher's private tutoring services.

While these examples illustrate prohibited uses of office or position, they may also represent a conflict of interest under Ethics Law. The prohibited use of office or position restrictions apply even if a public official disclosed a conflict of interest. For more information on conflicts of interest, go to [page 35](#).

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

- ORS 244.040(3) provides that 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 influencing the public official's vote, official action, or judgment.
- Certain 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 who appear before that governing body. ORS 244.040(6) provides that a public official may not represent their firm's clients before the governing body of which they are a member. The firm may send a different representative to represent the client before the governing body, but the public official serving on the governing body may not be that representative.

- ORS 244.040(7) provides that current or former public officials may not solicit, receive, or use public moneys from a public body to pay or make payments on a civil penalty imposed on them by the Commission.

There are also restrictions on the use of confidential information by current or former public officials. Confidential information, as used in Ethics Law, is not limited to only records exempt from public disclosure or inspection under state law, but also includes information not generally known to the public. 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.

- For current public officials, ORS 244.040(4) prohibits them from using or attempting to use confidential information for personal gain if that confidential information is obtained in the course of or by reason of holding their position as a public official.
- For former public officials, ORS 244.040(5) prohibits them from using or attempting to use confidential information for any person's financial gain if that confidential information was obtained in the course of or by reason of holding their former position as a public official.

Statutes and Administrative Rules for the Prohibited Use of Office Section

- ORS 244.020(2), definition of "business"
- ORS 244.020(3), definition of "business with which the person is associated"

- ORS 244.020(11), definition of “member of the household”
- ORS 244.020(13), definition of “potential conflict of interest”
- ORS 244.020(15), definition of “public official”
- ORS 244.020(16), definition of “relative”
- ORS 244.120, regarding methods of handling conflicts of interest
- ORS 244.040(1), regarding prohibited use of public office or position generally
- ORS 244.040(3), regarding offers of future employment for public officials
- ORS 244.040(4), regarding current public officials and the prohibited use of confidential information
- ORS 244.040(5), regarding former public officials and the prohibited use of confidential information
- ORS 244.040(6), regarding a public official’s representation of their firm
- ORS 244.040(7), regarding prohibited uses of public money
- ORS 244.040(8), regarding conflicts of interest and prohibited use of office
- OAR 199-008-0005(5), definition of “confidential information”

Exceptions to Prohibited Use of Office of Position

There are exceptions to the prohibitions on the use of office or position. 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.

Official Compensation

Under ORS 244.040(2)(a), public officials may accept any financial benefit that is part of their official compensation package. 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 the public body's direct payment of a public official's expenses in accordance with the public body's policies.

Anything can be part of a public official's official compensation package, but only 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. Some examples include:

- Use of a government vehicle for personal travel
- Use of government equipment, such as a computer, camera, or software program, for personal use
- Use of a license or certification paid for by the agency that may also be used for personal/private business

Reimbursement of Expenses

ORS 244.040(2)(c) provides that a public official may accept payments from the public body as [reimbursement for expenses](#) the public official already paid while conducting the public body's business. All reimbursements must meet the requirements of applicable laws and policies.

People sometimes 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 the gift or honoraria provisions of Ethics Law.

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 to a public official in exchange for services when those involved do not customarily set a price.

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. To determine if the payment is considered an honorarium under Ethics Law, the first step is to determine if the payment meets 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

If the honorarium is being provided for a service related to the public official's duties, the public official, their relative, or household member may accept it if it is \$50 or less. If the honorarium is for services that relate to the private profession, occupation, avocation, or expertise of the public official, their relative, or their household member, and it is not related to the official duties or status of the public official, the public official, their relative, or household member may accept it regardless of value.

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. They may accept food, beverage, travel, or lodging expenses, provided it is authorized by Ethics Law.

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

Awards for professional achievement are awards that denote recognition of a public official's achievement. Professional achievement awards may 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), and
- Gifts allowed or restricted by other provisions in ORS Chapter 244

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. For more in-depth information on Legal Expense Trust Funds, go to [page 122](#).

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. For more in-depth information on Gifts, go to [page 94](#).

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.

Food and Beverages

As provided in House Bill 4161 (2026), a public official is allowed to accept food, beverages, or both, provided by a public body during meetings or other official events held by the public body.

Merchandise

As provided in House Bill 4161 (2026), a public official is allowed to accept merchandise provided to them by a public body if the cost of the merchandise does not exceed \$100

in a calendar year, except as otherwise provided by the public body's policies.

Statutes and Administrative Rules for the Prohibited Use of Office Exceptions Section

- ORS 244.020(7)(a), definition of “gift”
- ORS 244.020(7)(b), gift exceptions, generally
- ORS 244.020(7)(b)(C), award of appreciation gift exception
- ORS 244.025, gift limits
- ORS 244.040(2)(a), official compensation package exception to prohibited use of office
- ORS 244.040(2)(b), honorarium exception to prohibited use of office
- ORS 244.040(2)(c), reimbursement of expenses exception to prohibited use of office
- ORS 244.040(2)(d), awards for professional achievement exception to prohibited use of office
- ORS 244.040(2)(e), gifts that meet the gift limit exception to prohibited use of office
- ORS 244.040(2)(f), gifts from sources without a legislative or administrative

interest exception to the prohibited use of office

- ORS 244.040(2)(g), items that do not meet the definition of gift exception to prohibited use of office
- ORS 244.040(2)(h), legal expense trust fund exception to prohibited use of office
- ORS 244.040(2)(i), post-secondary institution exception to prohibited use of office
- ORS 244.042, regarding honoraria
- ORS 244.205 through ORS 244.221, regarding legal expense trust funds
- OAR 199-008-0005(2), definition of “official duties”
- OAR 199-008-0005(3), definition of “official compensation package”
- OAR 199-008-0005(4), definition of “reimbursement of expenses”
- House Bill 4161 (2026), regarding the food and beverage, and merchandise exceptions to prohibited use of office

Prohibited Use of Office Frequently Asked Questions

I am the manager of a water district. The district provided me with a vehicle to use. Am I allowed to use that vehicle to drive to and from work or to run personal errands?

It depends. A public official is prohibited from using public resources for their own personal benefit unless those resources are included in the public official's official compensation package. That means that if there is a contract, [policy](#) or other formally-approved, written document that allows the public official to specifically use the vehicle for personal use, it would be part of the public official's official compensation package and the public official would be allowed to drive the vehicle to and from work.

If there is no contract, policy or other written document formally-approved by the public body explicitly allowing the vehicle to be used for personal use, the public official would not be allowed to use the vehicle to drive to and from work or for personal errands. If the public official did use the vehicle for personal use, each use of the vehicle would result in a prohibited use of office. That is because, but for the public official's position, they would not have access to the public body's vehicle.

Public officials who are not sure whether they are permitted to use public resources, such as vehicles and computers for personal use, should contact their human resources representative, union representative, or their public body's legal counsel for information.

I am a board member for a road district and I need to book a flight to a work

conference. I was going to use my personal credit card, issued by an airline, to book the flight. The road district will reimburse me once I submit all of the required information. The advantage is, the airline credit card includes free luggage, so I would be saving the district money. I would also earn 3x the rewards points on the purchase of the ticket. Are there any issues that I need to be aware of?

Yes. Using a personal credit card or debit card for purchases that will be reimbursed by the public body could result in a prohibited use of office.

First, let's consider the reimbursement of the expenses. The reimbursement of expenses is an exception to the prohibited use of office. The definition of reimbursement of expenses in OAR 199-008-0005(4) limits reimbursement to the public official's expenses that occurred while the public official was engaged in the official duties of their public body. The reimbursement of expenses must comply with all applicable laws and policies of that public body.

Next, let's consider the rewards points the public official will earn. Since the public body is going to reimburse the public official for the cost of the flight, the public official would not be purchasing the flight but for their public position. The travel rewards then would be a financial benefit that the public official is receiving because of their public position. If the public body has a policy or other formally-approved written document allowing public officials to keep rewards points accumulated from purchases on behalf of the public body, it would be fine for the public official to use the airline credit card and to receive those rewards points. The best practice would be that the public body adopt a formally-approved, written policy that would make the rewards points part of the public official's official compensation package.

As always, while it is important for public officials to be aware of and to comply with Ethics Law, there are other laws, rules, policies and procedures that are important in these types of situations. The public official should check with their public body's human resources department or finance department for information regarding the specific documents and processes for a public official to receive reimbursement, as well as for information about what is included in the public official's official compensation package.

I'm an employee of a vector district. The office is planning a full day of employee training. The employees want to have a potluck on the day of the training where everyone brings in food to share. Would participating in the potluck be a prohibited use of office because, but for my employment with the district, I would not have access to the food?

No. The prohibited use of office statute applies to financial benefits received from the public body. In this instance, the food for the public officials is coming from other public officials, not the public body. Participation in the potluck would not result in prohibited use of office.

Let's say that the public body, using public body money, contributes beverages to the potluck. The public official would be able to accept those beverages because they would fall under the new exception created by HB 4161 that allows a public official to accept food, beverages, or both, provided by a public body during meetings or other official events held by the public body.

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 I was working at the county using county resources?

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 as part of the employee's official compensation package that expressly allows the employee to sell the artwork created with county resources, then the public official would be able to sell the artwork as set forth by that policy. This example only addresses Ethics Law issues and not other legal issues, such as intellectual property rights. OGEC staff would recommend speaking with legal counsel regarding those other issues.

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.

Statutes and Administrative Rules for the Prohibited Use of Office FAQ Section

- ORS 244.040(1), regarding prohibited use of office, generally
- ORS 244.040(2)(a), regarding the official compensation package exception to prohibited use of office

- ORS 244.040(2)(c), regarding the reimbursement of expenses exception to prohibited use of office
- ORS 244.049, regarding the prohibition on the use of public money for payments related to workplace harassment nondisclosure agreements
- OAR 199-008-0005(2), definition of “official duties”
- OAR 199-008-0005(3), definition of “official compensation package”
- OAR 199-008-0005(4), definition of “reimbursement of expenses”
- House Bill 4161 (2026), regarding the food and beverage exception to prohibited use of office

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 elected public officials, public employees and volunteers.

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 on their government entity's time
- 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

Public officials may be presented with opportunities for other 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 find 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. However, if the job opportunity or offer of payment would not otherwise be available but for the public official's holding of the office or position, then the prohibited use of office or position provisions would prohibit accepting the public official from position or payment. Ethics Law requires the public official to ask themselves two questions:

- Would the opportunity be available to me if I did not hold my office or position as a public official?
- Did I take an official action or actions, as a public official, 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 or position 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.

Statutes and Administrative Rules for the Private Employment of a Public Official Section

- ORS 244.040(1), regarding prohibited use of office, generally

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:

- Did the public official create the position while serving in their official capacity? 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.

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

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

In this example, the public official should also consider:

- Did the public official become aware of the position only 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 irrigation 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, go to [page 89](#).

I am a public official, and I have been offered a paid speaking opportunity that is valued at over \$50. 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 the public official because of their position as a public official.

If, however, the public official was offered the paid speaking opportunity because of their previous experience with public speaking and as a comedian, then the public official would be able to accept the paid speaking opportunity.

This example illustrates that a public official keeps their experience and can use their experience to obtain employment or other paid opportunities. Prohibited use of office violations occur when a public official uses their position as a public official to obtain employment or other paid opportunities.

Statutes and Administrative Rules for the Private Employment of a Public Official FAQ Section

- ORS 244.040(1), regarding prohibited use of office, generally

Employment of Former Public Officials

Most former public officials may work in the private sector with few restrictions. However, Ethics Law prohibits public officials from using their public positions to create employment opportunities for themselves in the private sector. This prohibition is not limited to the private sector; public officials are also prohibited from accepting 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 attempting 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.

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 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 the agencies they

formerly represented.

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

State Treasury

Ethics Law 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.

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. 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

Statutes and Administrative Rules for the Restrictions Regarding Public Contracts Section

- ORS 244.040(4), regarding the prohibition on the use of confidential information by a former public official
- ORS 244.045(1), regarding post-employment restrictions for certain state agency positions
- ORS 244.045(2), regarding post-employment restrictions for certain Department of Justice positions
- ORS 244.045(3), regarding post-employment restrictions for certain State Treasury positions
- ORS 244.045(4), regarding post-employment restrictions for public officials who invested public funds
- ORS 244.045(5), regarding post-employment restrictions for certain State Police

positions

- ORS 244.045(6), regarding post-employment restrictions for members of the Legislative Assembly
- ORS 171.725(8), definition of “lobbying”
- ORS 244.047, regarding prohibitions on direct beneficial financial interest in a public contract
- OAR 199-008-0005(6), definition of “authorized by”

Employment of Former Public Officials Frequently Asked Questions

I am a board member of 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. 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. The board member should consider:

- 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.

If the answer is yes to any of the questions above, does that prohibit any

employment opportunity from the company? Not necessarily. The answer depends on the specific facts of the situation. Will 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 receive 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.

Statutes and Administrative Rules for the Employment of Former Public Officials FAQ Section

- ORS 244.040(1), regarding prohibited use of office, generally
- ORS 244.047, regarding direct beneficial financial interest in a public contract
- OAR 199-008-0005(6), definition of “authorized by”

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. Anonymous gifts cannot be accepted. The burden of knowing whether a gift can be accepted rests on the individual public official.

In analyzing whether an offer of a thing of value can be accepted, you want to ask four questions. We will analyze each question below.

- Does the thing of value being offered qualify as a gift under the Ethics Law?
- Is the gift being offered by a source that has given the public official other gifts valued in excess of \$50 in aggregate (including the value of the gift being offered) during the calendar year?
- Could the source of the gift be reasonably known to have a legislative or administrative interest in the public official's decisions or votes?

- Do any of the gift exceptions in ORS 244.020(7)(b) apply?

What is 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.

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

- 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

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 for anyone to enter. Those items would not be considered gifts as defined in Ethics Law.

If the thing of value is not a gift as defined in Ethics Law, then the public official may generally accept it. If it does meet the definition of a gift, then the public official or candidate 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.

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. If the source does not have a legislative or administrative interest or could not reasonably be known to have a legislative or administrative interest, then the public official may accept the gift, regardless of value.

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 their official 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.

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.

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 ways different from how 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
- 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.

Statutes and Administrative Rules for the Gifts Section

- ORS 244.020(7)(a), definition of “gift”
- ORS 244.020(7)(b), exceptions to the definition of gift
- ORS 244.020(10), definition of “legislative or administrative interest”
- ORS 244.020(11), definition of “member of the household”
- ORS 244.020(15), definition of “public official”
- ORS 244.020(16), definition of “relative”
- ORS 244.025, regarding gift limits
- OAR 199-005-0003, regarding legislative or administrative interest and the definition of “decision”
- OAR 199-005-0005, regarding the value of gifts
- OAR 199-005-0030, regarding the source of a gift

Exceptions – What is Not Considered a Gift Under Ethics Law

ORS 244.040(2)(g) authorizes a public official to receive any item, regardless of value, that is expressly excluded from the definition of gift in ORS 244.020(7)(a). 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. As noted above, discounts, prizes, raffles, and other benefits available to public officials and that are also available to others who are not public officials are not considered gifts. Other things are not considered gifts based on exclusions in ORS 244.020(7)(b).

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
- Contributions to a legal expense trust fund created under ORS 244.209
- Gifts from their relatives or household members
- Unsolicited gifts of items such as tokens, plaques, trophies, and desk or wall mementos with a resale value of less than \$25
- Publications, subscriptions, or other informational material related to their duties
- Waivers or discounts for registration fees or materials related to continuing education or professional licensing requirements
- 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

- 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
- 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
- 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 an Oregon public body pays membership dues, or
 - A 501(c) nonprofit organization
- 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
- 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
- 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
- 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
- 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
- Public school employees may accept payment of reasonable expenses for accompanying students on an educational trip

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
- The definition of fact-finding mission or trip
- Factors to determine whether paid expenses may be accepted for attendance at receptions, meals, or meetings pursuant to ORS 244.020(7)(b)(E)
- 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

- The definition of usual and customary practice and examples of what may or may not meet the definition

Statutes and Administrative Rules for the Gift Exceptions Section

- ORS 244.020(7)(a), definition of “gift”
- ORS 244.020(7)(b), exceptions to the definition of gift, generally
- ORS 244.020(7)(b)(A), regarding campaign contributions as an exception to the definition of gift
- ORS 244.020(7)(b)(B), regarding gifts from relatives or household members as exceptions to the definition of gift
- ORS 244.020(7)(b)(C), regarding unsolicited tokens or awards of appreciation as exceptions to the definition of gift
- ORS 244.020(7)(b)(D), regarding informational material as exception to the definition of gift
- ORS 244.020(7)(b)(E), regarding expenses associated with receptions, meals or meetings as exceptions to the definition of gift
- ORS 244.020(7)(b)(F), regarding expenses associated with travel as exceptions

to the definition of gift

- ORS 244.020(7)(b)(G), regarding contributions to a legal expense trust fund as exceptions to the definition of gift
- ORS 244.020(7)(b)(H), regarding expenses associated with travel as exceptions to the definition of gift
- ORS 244.020(7)(b)(I), regarding food and beverage associated with certain events as exceptions to the definition of gift
- ORS 244.020(7)(b)(J), regarding waivers and discounts related to continuing education as exceptions to the definition of gift
- ORS 244.020(7)(b)(K), regarding expenses associated with travel as exceptions to the definition of gift
- ORS 244.020(7)(b)(L), regarding incidental food and beverage at a reception as exceptions to the definition of gift
- ORS 244.020(7)(b)(M), regarding incidental entertainment at an event as an exception to the definition of gift
- ORS 244.020(7)(b)(N), regarding entertainment during a ceremony as an exception to the definition of gift
- ORS 244.020(7)(b)(O), regarding things of economic value that are part of a usual or customary practice as exceptions to the definition of gift

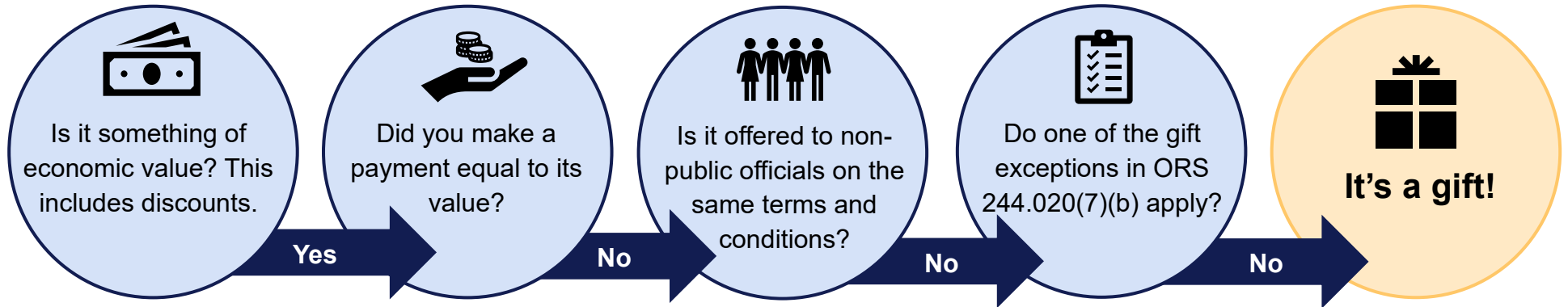
- ORS 244.020(7)(b)(P), regarding expenses for educational public school trips as exceptions to the definition of gift
- ORS 244.040(2)(g), gifts as exception to prohibited use of office
- ORS 244.209, regarding the establishment of a legal expense trust fund
- ORS 260.005, regarding campaign contributions
- OAR 199-005-0001(1), definition of “entertainment”
- OAR 199-005-0001(2), definition of “fact-finding mission or trip”
- OAR 199-005-0001(3), definition of “incidental”
- OAR 199-005-0001(7), definition of “representing government”
- OAR 199-005-0001(8), definition of “reception”
- OAR 199-005-0003, regarding legislative or administrative interest and the definition of “decision”
- OAR 199-005-0005, regarding the value of gifts
- OAR 199-005-0015, regarding attendance at receptions, meals or meetings under ORS 244.020(7)(b)(E)
- OAR 199-005-0020, regarding gift exceptions in ORS 244.020(7)(b)(F) and (H)

- OAR 199-005-0025, regarding entertainment permitted under ORS 244.020(7)(b)(M) and (N)
- OAR 199-005-0027, definition of “usual and customary practice”
- OAR 199-005-0030, regarding the source of a gift

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?

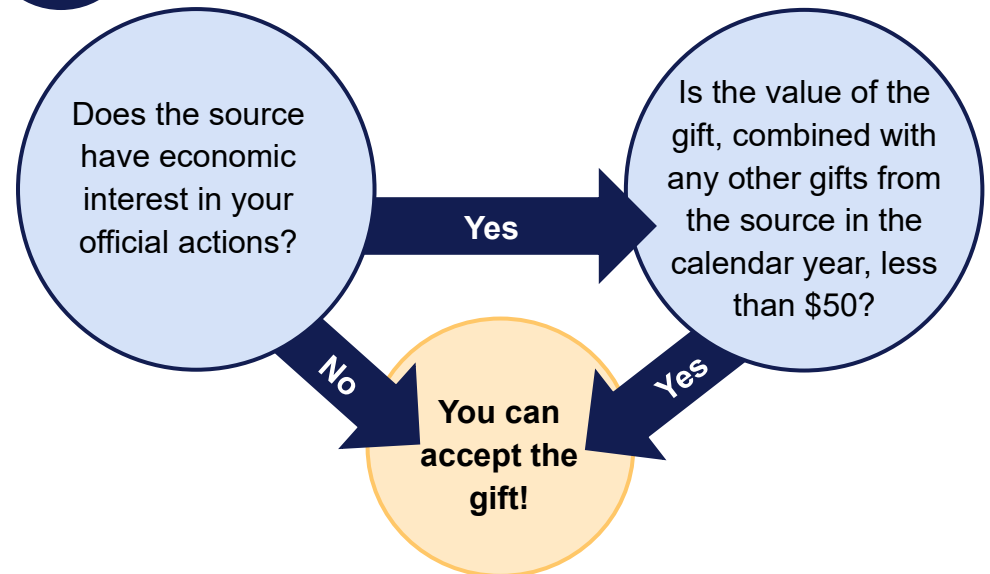
The source is the ultimate payer of the expense. [OAR 199-005-0030].

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.

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. 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.

Public officials cannot accept gifts from sources that have an economic interest in their decisions and votes, if the gift value, combined with the value of any other gifts from that source in the same calendar year, is valued at more than \$50. For each person who donates to the GoFundMe campaign, the public official will have to determine:

- The value of each individual donation
- Who the source of the donation is
- Whether the source of the donation has a legislative or administrative interest in the public official's decisions or votes

If the source does not have a legislative or administrative interest, then the public official may accept the donation regardless of value. 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

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?

The city employee has a legislative or administrative interest in the city councilor. That is because the city councilor approves 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 public body, rather than individually, and then the public body can use or distribute the gift as it sees fit, including by donating the gift to a nonprofit

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.

Statutes and Administrative Rules for the Gifts FAQ Section

- ORS 244.020(7)(a), definition of “gift”
- ORS 244.020(7)(b), exceptions to the definition of gift, generally
- ORS 244.020(10), definition of “legislative or administrative interest”
- ORS 244.025, regarding gift limits
- ORS 244.042, regarding honoraria, generally
- ORS 244.060(3), regarding sources of income required to be reported on a statement of economic interest
- ORS 244.100(1), regarding statements of expenses for an event described in ORS 244.020(7)(b)(F)
- ORS 244.100(2), regarding notice of value of honoraria allowed under ORS 244.042
- OAR 199-005-0003, regarding legislative or administrative interest and the definition of “decision”
- OAR 199-005-0005, regarding the value of gifts
- OAR 199-005-0030, regarding the source of a gift

Nepotism

Generally, public officials may not participate in personnel actions, including interviews, discussions, or debates by their public body when the personnel action involves their relatives or household members. Personnel actions include:

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

This prohibition includes when the relative or household member is seeking to become a member of a governing body over which the public official exercises jurisdiction or control, even if that member would serve in an unpaid capacity. For example, if the Mayor's spouse was seeking an appointment to a position on the City's budget committee, the Mayor could not participate in actions related to their appointment including interviews, discussions, or debates.

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, go to [page 62](#).

A public official is also prohibited from directly supervising a relative or member of a household. Direct supervision includes:

- 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

Statutes and Administrative Rules for the Nepotism Section

- ORS 244.020(11), definition of “member of the household”
- ORS 244.020(16), definition of “relative”
- ORS 244.177(1)(a), regarding prohibition on personnel actions for a relative or member of the household

- ORS 244.179(1), regarding prohibition on direct supervision of a relative or member of the household
- OAR 199-008-0008(3), examples of supervisory actions that would result in a prohibited use of office

Nepotism Exceptions

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

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. As noted above, 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.

Generally, a public official can supervise their relative or a member of their household if the person is serving as an unpaid volunteer. However, if the unpaid volunteer is serving as a member of a governing body that the public official serves or over which the public official exercises jurisdiction or control, the public official is prohibited from

directly supervising their relative or household member.

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

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.

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. Legislators who serve as caucus leaders or presiding officers are prohibited from participating in employment actions or supervising relatives or household members on their caucus or leadership staff.

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

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

Statutes and Administrative Rules for the Nepotism Exceptions Section

- ORS 244.120, regarding conflicts of interest, generally
- ORS 244.177(1)(b), regarding provision of a reference or a recommendation

- ORS 244.177(2), regarding personnel actions related to personal legislative staff
- ORS 244.177(3), regarding participation in personnel actions of unpaid volunteers and members of governing bodies
- ORS 244.179(3), regarding direct supervision of unpaid volunteers and members of governing bodies
- ORS 244.179(4), regarding policies addressing direct supervision of a relative or a member of the household
- OAR 199-008-0008, regarding policies addressing direct supervision of a relative or member of the household

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 city council. One of our councilors 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 county commission is appointing a person to fill the vacancy, the county commissioner would be prohibited from interviewing their spouse for the position, debating the merits of the spouse's appointment, 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.

Statutes and Administrative Rules for the Nepotism FAQ Section

- ORS 244.020(11), definition of “member of the household”
- ORS 244.020(16), definition of “relative”
- ORS 244.177(3)(b), regarding the prohibition of personnel actions relating to unpaid members of a governing body of a public body
- ORS 244.177(4), allowing a public body to take personnel actions related to a public official’s relative or member of the household
- ORS 244.179, regarding supervision of relatives of member of the household, generally
- OAR 199-008-0008, regarding policies addressing direct supervision of a relative or member of the household

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. The matter is placed on the agenda for an upcoming Commission meeting.
4. The Commission reviews for compliance with statutory requirements and either approves or denies the application.
5. 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 OGEC 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
 - To the public official or, if required by the trust agreement, to a 501(c) nonprofit organization

Statutes and Administrative Rules for the Legal Expense Trust Fund Section

- ORS 244.205, regarding the establishment of a legal expense trust fund
- ORS 244.207, regarding the use of legal expense trust fund money
- ORS 244.209, regarding legal expense trust fund applications
- ORS 244.209(5), regarding commission review of legal expense trust fund

applications

- ORS 244.211, regarding the responsibilities of the legal expense trust fund trustee
- ORS 244.213, regarding who may contribute to a legal expense trust fund
- ORS 244.215, regarding requirements of the legal expense trust fund account
- ORS 244.217, regarding required legal expense trust fund statements
- ORS 244.218, regarding legal expense trust fund statement filing deadlines
- ORS 244.219, regarding the termination of a legal expense trust fund
- ORS 244.221, regarding distribution of money upon the termination of a legal expense trust fund

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.

Statutes and Administrative Rules for the Legal Expense Trust Fund FAQ Section

- ORS 244.020(7)(b)(G), regarding the legal expense trust fund exception to the definition of gift
- ORS 244.040(2)(h), regarding the legal expense trust fund exception to the prohibited use of office
- ORS 244.213, regarding who may contribute to a legal expense trust fund

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

The deadline for filing the SEI is April 15. The start and end dates of the SEI filing period are mandated by law and are still in effect even if April 15 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 by April 15. The JC should make sure each SEI filer knows the reporting requirements and shares information with SEI filers regarding the SEI filing deadline.

Filing Assistance

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

OGEC offers filing resources: an SEI Filers Guide, SEI filer pre-recorded videos, and live webinars where an OGEC trainer walks through the filing process and answers 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 stop accruing.

If a public official accrues filing penalties, a request for a waiver or reduction of penalties may be submitted to the Commission for their consideration and vote. A public official interested in seeking a penalty waiver or reduction of penalties should reach out to OGEC staff for more information.

Statutes and Administrative Rules for Statement of Economic Interest Section

- ORS 244.020(17), definition of "statement of economic interest"
- ORS 244.050, regarding required SEI filers, generally
- ORS 244.060, regarding information required to be disclosed on an SEI, generally
- ORS 244.350(4)(a), regarding SEI filer penalties for late filing

SEI Frequently Asked Questions

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

No. Only one SEI report is required each year. If you serve on multiple public bodies that require you to 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 surveyor in two counties, the public official would need to identify real property in both of the counties in which they serve as a county surveyor. For more information on specific SEI reporting requirements, please review 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. 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 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. If the amendment is based on a complaint that is submitted, the Commission may impose a civil penalty if it makes a finding of violation.

Statutes and Administrative Rules for Statement of Economic Interest FAQ Section

- ORS 244.020(17), definition of "statement of economic interest"
- ORS 244.050, regarding required SEI filers, generally

- ORS 244.060, regarding information required to be disclosed on an SEI, generally
- ORS 244.350(4)(a), regarding SEI filer penalties for late filing
- OAR 199-020-0005, regarding jurisdictional contacts and related deadlines
- OAR 199-020-0008, regarding requests for exemption from SEI filing requirements
- OAR 199-020-0013, regarding SEI filer accounts in EFS
- OAR 199-020-0020, regarding SEI filing deadlines
- OAR 199-020-0023(2), regarding the definition of “total annual household income”
- OAR 199-020-0023(3), regarding beneficial financial interest in real property

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 webpage](#).

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.

Statutes and Administrative Rules for the Training Section

- ORS 244.230, regarding continuing education of public officials

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, they 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.

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 OGEC staff advice, the Commission may consider that reliance before imposing any civil penalty.

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.

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 that 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.

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 that the Commission respond to requests 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 will be 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.

Statutes and Administrative Rules for the Advice Section

- ORS 244.280, regarding commission advisory opinions
- ORS 244.282, regarding staff advisory opinions
- ORS 244.284, regarding staff advice
- OAR 199-001-0030, regarding advisory opinions

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.

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.

Statutes and Administrative Rules for the Advice FAQ Section

- ORS 244.280, regarding commission advisory opinions
- ORS 244.282, regarding staff advisory opinions
- ORS 244.284, regarding staff advice
- OAR 199-001-0030, regarding advisory opinions

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 originally 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, OGEc is 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 time period:

- 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

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 has 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, Table A, 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.

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.

Statutes and Administrative Rules for the Compliance & Enforcement Section

- ORS 171.725(8), definition of “lobbying”
- ORS 171.725(9), definition of “lobbyists”
- ORS 171.740, regarding lobbyist registration requirements
- ORS 171.745, regarding statements required to be filed by lobbyists
- ORS 171.750, regarding statements required to be filed by lobbyist employers

- ORS 244.040(1), regarding prohibited use of office, generally
- ORS 244.040(2)(a), regarding official compensation package exception to prohibited use of office
- ORS 244.045, regarding regulation of subsequent employment, generally
- ORS 244.050, regarding SEI filers and filing deadlines
- ORS 244.217, regarding required legal expense trust fund statements
- ORS 244.260(1)(a), regarding information required for complaints filed with OGEC
- ORS 244.260(1)(b), regarding the Commission's own motion authority
- ORS 244.260(2)(a), regarding case opening requirements
- ORS 244.260(2)(b), regarding notice of own motions
- ORS 244.260(4), regarding the preliminary review phase
- ORS 244.260(5), regarding actions by the Commission following preliminary review
- ORS 244.260(6), regarding the investigation phase
- ORS 244.260(9), regarding contested case hearings

- ORS 244.260(10), regarding the Commission’s jurisdiction
- ORS 244.260(12), regarding negotiated settlements
- ORS 244.290(6), regarding documents publicly available on the OGEC website
- ORS 244.350, regarding sanctions and civil penalties
- OAR 199-008-0005, definition of “official compensation package”
- OAR 199-008-0015, regarding sanctions and penalties
- OAR 199-008-0020, regarding negotiated settlements through stipulated final orders

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, go to [page 62](#).

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 OGE 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 the public official serves. If the Commission finds that an appointed public official violated the Ethics Law with intentional disregard of the law or willful misconduct, the Commission's finding may be used by another public body as prima facie evidence of unfitness where removal is authorized for cause either by law or the Oregon Constitution.

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.

Statutes and Administrative Rules for the Compliance & Enforcement FAQ Section

- ORS 244.040(1), regarding prohibited use of office, generally
- ORS 244.040(2)(a), regarding official compensation package exception to prohibited use of office
- ORS 244.040(7), regarding the prohibition on using public money to pay civil penalties imposed by the Commission
- ORS 244.260(4), regarding the preliminary review phase
- ORS 244.270(2) regarding notice of violations to a public body
- ORS 244.350, regarding sanctions and civil penalties

- OAR 199-008-0005, definition of “official compensation package”
- OAR 199-008-0015, regarding sanctions and penalties
- OAR 199-008-0020, regarding negotiated settlements through stipulated final order

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.

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.

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.

Income

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.

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

A 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 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.

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 OGE, 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.