



Oregon

Tina Kotek, Governor

AGENDA ITEM NO.

I.C.

**Notice of Agency
OREGON REAL ESTATE BOARD
Regular Meeting Agenda
Online
June 1, 2026**

Real Estate Agency
775 Summer St. NE, Suite 330
Salem, Oregon 97301
Phone: (503) 378-4170
www.oregon.gov/rea

- I. BOARD BUSINESS - Chair Juarez**
 - A. Call to Order
 - B. Chair Juarez comments/Roll Call
 - C. Approval of the Agenda and Order of Business
 - D. Approval of 04.06.26, regular meeting minutes
 - E. Date of the Next Meeting: 08.03.26 to begin at 10am, Location: Salem
- II. PUBLIC COMMENT - Chair Juarez**
 - This time is set aside for persons wishing to address the Board on matters not on the agenda. Speakers will be limited to five minutes.
 - The Board Chair reserves the right to further limit or exclude repetitious or irrelevant presentations. If written material is included, 12 copies of all information to be distributed to board members should be given to the Board Liaison prior to the meeting.
 - Action will not be taken at this meeting on citizen comments. The Board, however, after hearing from interested citizens, may place items on a future agenda so proper notice may be given to all interested parties.
 - If no one wishes to comment, the next scheduled agenda item will be considered.
- III. REQUESTS FOR WAIVERS - Chair Juarez**
 - A. Tanner Dunbar
- IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - Chair Juarez**
 - A. None
- V. NEW BUSINESS –Commissioner Strode**
 - A. Transaction Coordinators
- VI. BOARD ADVICE/ACTION - Commissioner Strode**
 - A. Oregon Ethics Commission Training for Public Bodies – Lex Tingey
- VII. ADMINISTRATIVE ACTIONS SUMMARY - Chair Juarez**
- VIII. REPORTS – Chair Juarez**
 - A. Agency reports-written
- IX. ANNOUNCEMENTS – Chair Juarez.** Next board meeting: 08.03.26 to begin at 10am, Location: Oregon Real Estate Agency Office - Salem, OR
- X. ADJOURNMENT – Chair Juarez**

Interpreter services, auxiliary aids for persons with disabilities, and access to attend remotely by videoconference are available upon advance request.



Oregon

Tina Kotek, Governor

**AGENDA ITEM NO.
I.D.**

Real Estate Agency
775 Summer St. NE, Suite 330
Salem, Oregon 97301-1283
Phone: (503) 378-4170
www.oregon.gov/rea

OREGON REAL ESTATE BOARD
Regular Meeting Minutes
Online
April 6, 2026
10:00 a.m.

BOARD MEMBERS PRESENT:

Jessenia Juarez
Dawn Duerksen
Stacy Ellingson
Debra Neal
LaTasha Beal
Michael Warren
Heidi Hazel
James Komro
Tom Tapia

BOARD MEMBERS ABSENT:

None

OREA STAFF PRESENT:

Anna Higley, Deputy Commissioner
Elli Kataura, Regulation Division Manager
Liz Hayes, Compliance Division Manager
Michael Hanifin, Land Development Division Manager
Reba Dunnington, Administrative Services Division Manager
Nenah Darville, Licensing Division Manager
Mesheal Tracy, Communication, Policy & DEI Director

- I. BOARD BUSINESS – Chair Juarez**
 - A. Call to Order
 - B. Chair Juarez comments/Roll Call
 - C. Approval of the Agenda and Order of Business

MOTION TO APPROVE 04.06.26 REGULAR MEETING AGENDA BY MICHAEL WARREN

SECONDED BY LATASHA BEAL

MOTION CARRIED BY UNANIMOUS VOTE

- D. Approval of 02.02.26, regular meeting minutes

MOTION TO APPROVE 02.02.26 REGULAR MEETING MINUTES AS SUBMITTED BY STACY ELLINGSON

SECONDED BY MICHAEL WARREN

MOTION CARRIED BY UNANIMOUS VOTE

- E. Date of the Next Meeting: 06.01.26 to begin at 10am, Location: Online

II. PUBLIC COMMENT – Chair Juarez

- A. None

III. REQUESTS FOR WAIVERS – Chair Juarez

- A. None

IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER –Chair Juarez

- A. RE PIXS, LLC

MOTION TO APPROVE APPLICANT BY MICHAEL WARREN

SECONDED BY TOM TAPIA
MOTION CARRIED BY UNANIMOUS VOTE

B. Shane Musselwhite

MOTION TO APPROVE APPLICANT BY JAMES KOMRO
SECONDED BY TOM TAPIA
MOTION CARRIED BY UNANIMOUS VOTE

V. BOARD ADVICE/ACTION – Deputy Commissioner Higley

A. None

VI. NEW BUSINESS – Deputy Commissioner Higley

A. 2026 Legislative Session Wrap Up – Michael Hanifin

VII. ADMINISTRATIVE ACTIONS SUMMARY – Chair Juarez

VII. REPORTS – Chair Juarez

A. Agency division reports-Deputy Commissioner Higley

1. Communications – Mesheal Tracy
2. Regulation Division – Elli Kataura
3. Compliance Division – Liz Hayes
4. Land Development Division – Michael Hanifin
5. Licensing Division – Nenah Darville
6. Administrative Services Division – Reba Dunnington

VIII. ANNOUNCEMENTS – Chair Juarez Next board meeting: 06.01.26 to begin at 10am, Online

IX. ADJOURNMENT – Chair Juarez

OREGON REAL ESTATE AGENCY – Experience Requirement Waiver Request Log (2018-2025)

<p>AGENDA ITEM NO. III.</p>
--

DATE	NAME	LICENSE TYPE	APPROVED/DENIED	FACTS AND BOARD DISCUSSION
04.02.18	Ross Kelley	PB	Denied	<p>FACTS: Ross Kelley requests a waiver of experience to become a principal broker. Mr. Kelley explained his request was based on his legal experience on both residential and commercial real estate and also that his business model would be a small scale of commercial properties. Dave Koch asked Mr. Kelley about his attitude towards managing and Mr. Kelley responded that his goal would be to provide exemplary service and he has reviewed ORS Chapter 696. Mr. Koch asked Mr. Kelley if he had supervision experience and Mr. Kelley responded that has supervised paralegals, attorneys and in his current position as well. Alex MacLean asked Mr. Kelley if he has had any experience with day to day transaction activity and Mr. Kelley responded he has worked with many brokers as well as buyers and sellers.</p> <p>MOTION TO DENY MR. KELLEY’S REQUEST FOR WAIVER OF EXPERIENCE AND RECOMMEND MR. KELLEY MAKE HIS REQUEST AFTER ONE YEAR OF EXPERIENCE BY DAVE KOCH SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</p>
06.04.18	Ryan McGraw	PB	Approved	<p>FACTS: Ryan McGraw requests experience waiver to become principal broker. Mr. McGraw appeared and explained the basis for his request for waiver was that he has practiced real estate law in some form for 9 years. He also explained that for the past 2 years he has been the equivalent to a principal broker in California, however, he relocated to Oregon and did not build the business in California. Mr. McGraw obtained his broker license in Oregon about a year ago and has handled some transactions but his goal was to build a residential property management business while continuing to sell homes. Dave Koch asked Mr. McGraw what supervisory experience he had. Mr. McGraw responded that for the last 6 years he has been responsible for supervising 22 staff in his current role. Dave Hamilton asked Mr. McGraw if he was operating as both realtor with a company and also the energy company. Mr. McGraw responded that he was operating as both. Commissioner Bentley clarified the area of concern for board members was Mr. McGraw his lack of experience in supervising new licensees and Mr. McGraw responded that he agreed with that concern and would only take on licensees that are fully experienced. Discussion: Alex MacLean stated although Mr. McGraw’s lack of experience with supervision was a concern Mr. MacLean was in support of approval of this motion. Mr. Koch asked Mr. McGraw to expand on his management process/experience and Mr. McGraw described how he has handled various personnel issues as a manager/supervisor. Jose Gonzalez also expressed his support for approval of this motion. Pat Ihnat asked Mr. McGraw how he handled lease negotiations and Mr. McGraw responded that he has been involved as supervising and also has used brokers.</p> <p>MOTION TO APPROVE RYAN MCGRAW’S REQUEST FOR WAIVER OF EXPERIENCE BY LAWNAE HUNTER SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</p>
12.10.18	Joseph Edwards	PB	Withdrawn	Joseph Edwards requests an experience waiver, Mr. Edwards contacted the agency to cancel his appearance due to unsafe road conditions.
04.01.19	Ross Kelley	PB	Denied	<p>Ross Kelley requests experience requirement waiver. Chair Farley asked Mr. Kelley to expand on the basis of his request for a waiver. Mr. Kelley explained that since his appearance before the board about a year ago he had completed two transactions and had a listing pending. Mr. Kelley stated that becoming a principal broker would allow him to provide quality service to his clients and also open his own real estate brokerage firm. DISCUSSION: Alex MacLean expressed his appreciation to Mr. Kelley for appearing before the board for a second time and also encouraged him to continue gaining the required experience to become a principal broker. Jose Gonzalez explained that his personal experience of learning from principal brokers was instrumental for him in becoming a principal broker.</p> <p>MOTION TO DENY ROSS KELLEY’S REQUEST FOR WAIVER BY DEBRA GISRIEL SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE</p>
6.3.19	Ruth Howard	PB	Approved	<p>Ruth Howard requested a waiver of experience to become a principal broker. Howard appeared in person. Howard explained the basis for her request. Worked in real estate as a secretary for an office in 1980. Over the years she owned a small business and leased homes for a retirement community, She then got her real estate license. She was asked by the outgoing principal broker and the president of her current company to become the principal broker despite not having the required experience. Dave Koch asked if Laurie Thiel had comments. Thiel spoke on Howard’s behalf. Koch recused himself from the vote, but recommended approval comments. Thiel spoke on Howard's behalf, Koch recused himself from the vote, but recommended approval of the request. Pat Ihnat commented that Koch is usually is the one that questions experience waiver requests) and that Koch's support is uncharacteristic. Howard explained how her leasing experience helped her in professional real estate. Lawnae commented favorable on 1-loward1s background, Ihnat asked how many are in the office now. Howard responded 20. Lawnae asked about trust accounting experience. Debra Gisriel asked if there is another principal broker</p>

				<p>in the office who can step in, Thiel stated that there are licensees that who could meet the requirements but no one with the desire or skills to manage, Gisriel suggested that Howard take the Principal Broker Advanced Practices course and the Principal Broker Academy right away. Dave Hamilton asked question about transaction issues. Alex MacLean inquired about time line for Bill (current PB in the office) to mentor, number of deals occurring in office and experience of brokers in office. MacLean also asked how many RE/MAX offices are in Portland, where are management meetings held, if other RE/MAX management is available to her as a resource, and what her plans are for growing office. Koch commented on history of office. MacLean confirmed Bill is retiring from management of office, not from real estate business, and asked about Dave Koch's relationship with the office and RE/MAX. Ihnat commented when Howard obtains a principal broker license, she could leave RE/MAX and open her own office. Jef Farley commented on the shortcomings of the law requiring only three years of active licensed experience to obtain a principal broker license.</p> <p>DISCUSSION: Dave Hamilton commented he considers Dave Koch's recommendation. Lawnae agreed. Pat said leasing experience similar. Susan commented on past leasing experience and number of transactions completed.</p> <p>MOTION TO APPROVE RUTH HOWARD'S REQUEST FOR WAIVER OF EXPERIENCE BY PAT IHNAT. SECOND BY DEBRA GISRIEL.</p>
2.3.20	Christopher Ambrose	PB	Approved	<p>Christopher Ambrose, Mr. Ambrose explained that he had been practicing attorney with Ambrose Law Group and an active attorney for approximately 30 years. He also stated that he was one of three owners of Total Real Estate Group LLC, which is a residential brokerage based out of Bend and his waiver request is based on his hands on experience as well as working very closely with the principal broker employed at Total Real Estate Group. Mr. Ambrose reported his company closed approximately 70 ns last year, bringing in 55 million in sales and that he had worked with and assisted in the selection of software. Alex MacLean asked Mr. Ambrose how his becoming a principal broker would affect the current principal broker at the company. Mr. Ambrose explained that he would continue to work closely with the principal broker but focus on managing the office and allocating duties while principal broker would continue to produce. Dave Hamilton asked Mr. Ambrose is the current principal broker was a principal in the company and Mr. Ambrose stated current principal broker is not a principal in the company. Discussion: Pat Ihnat, Dave Hamilton and Kim Hedding all stated that they advocated the approval of the Mr. Ambrose's waiver request based on his experience in both the legal and real estate industry. Ms. Hedding asked Mr. Ambrose if his intention was to continue to practice law and Mr. Ambrose affirmed.</p> <p>MOTION TO APPROVE CHRISTOPHER AMBROSE'S WAIVER REQUEST BY ALEX MACLEAN SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</p>
12.07.20	Jerry Jones	PB	DENIED	<p>Chair Hunter asked Mr Jones to explain the basis for his waiver request and he responded that he had held various business roles in the real estate industry, such as development projects, commercial management firm. He also explained that he wanted to expand to a brokerage firm and that having the principal broker designation would be a tremendous professional benefit. Susan Glen asked Mr Jones if he was aware of the 3 year requirement previously and re responded that he was aware of the requirement. Marie Due asked Mr. Jones if he had management experience. Mr. Jones explained that he had managed teams of 2 to 3 brokers and upwards of 20. Pat Ihnat stated that managing brokers requires dealing with substantive issues rather than broad management. Jose Gonzalez asked Mr. Jones what options were available to him if his waiver request were to be denied and Mr. Jones replied that the principal broker who plans on retiring would postpone his retirement if necessary.</p> <p>MOTION TO DENY JERRY JONES'S 3 YEAR EXPERIENCE WAIVER REQUEST BY ALEX MACLEAN SECOND BY MARIE DUE MOTION CARRIED BY UNANIMOUS VOTE</p>
12.07.20	Eric Zechnelley	PB		<p>Chair Hunter asked Mr. Zechnelley to explain the basis for his waiver request and he responded that his family owns and operates multiple businesses relating to various areas of real estate, which he has been involved in since he was in high school. He also explained that he received a Master Degree in Real Estate Development from Portland State University. Alex MacLean asked Mr. Zechnelley who he would be managing and what type of business and he responded that the business was a manufactured home company involving commercial real estate transactions and he would be managing a couple of brokers. Pat Ihnat asked Mr. Zechnelley how he believed his degree weighed in on answering questions from brokers and he replied that many of the courses he took covered law/rule content along with transaction processes. DISCUSSION: Pat Ihnat stated although Mr. Zechnelley's experience was with manufactured homes, his course study and degree were impressive. Alex MacLean stated Mr. Zechnelley's would benefit from more management experience.</p> <p>MOTION TO DENY ERIC ZECHNELLEY'S 3 YEAR EXPERIENCE WAIVER REQUEST BY ALEX MACLEAN SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE</p>
02.01.21	Robert Tessmer	PB	MOTION FAILED – TIE VOTE	<p>Chair MacLean asked Mr. Tessmer to explain the basis for his waiver request and he responded that his career had consisted of property searches, purchasing, rebuilding, and renovating. He also explained that as a veteran his goals were to work with</p>

				<p>disabled veterans and assist them with finding homes. Pat Ihnat asked Mr. Tessmer to explain how his experience met with the waiver request requirements and he explained that he his experience included lease negotiations, writing leases, and contract management. Vice Chair Ihnat asked Mr. Tessmer if he planned to employ brokers and he responded that at some point he would be employing brokers. Lawnae Hunter asked Mr. Tessmer to provide a summary of his supervisory experience and he responded that he had vast experience with contract management and managing people with setting their career enhancement guidelines. Lawnae Hunter also asked Mr. Tessmer if he was familiar with the financial responsibilities required of a principal broker. Mr. Tessmer explained that he was familiar with the financial responsibilities. Dave Hamilton asked Mr. Tessmer what experience he had with overseeing several brokers and ensuring that they follow proper guidelines and he responded he would have a business plan in place to facilitate proper supervision. Discussion: Chair MacLean asked Mr. Tessmer to elaborate on his connection to Mr. Larkin. Mr. Tessmer explained that his relationship with Mr. Larkin was as a mentor and seeking his advice/input on certain situations. Susan Glen asked Mr. Tessmer if he had considered working under the supervision of a principal broker for a period of time and he responded that he would not work well in that type of setting or environment.</p> <p>MOTION TO APPROVE ROBERT TESSMER'S EXPERIENCE WAIVER REQUEST BY LAWNAE HUNTER SECOND BY PAT IHNAT</p> <p>MOTION FAILS BY TIE VOTE (AYES: LAWNAE HUNTER, SUSAN GLEN, PAT IHNAT, ALEX MACLEAN. NAYS: MARIE DUE, DEBRA GISRIEL, KIM HEDDINGER, DAVE HAMILTON)</p>
02.01.21	Eric Zechnelley	PB	APPROVED	<p>Eric Zechnelley - Mr. Zechnelley asked Chair MacLean the reason the board denied his previous waiver request on 12.7.20 and both Chair MacLean and Dave Hamilton responded that the reason for the denial was lack his of experience. Vice Chair Ihnat stated that she would be inclined to support Mr Zechnelley's waiver request based on his college degree. David Malcolm, attorney for Mr. Zechnelley, explained that he reviewed the last 5 years of waiver requests and board meeting minutes and determined that Mr. Zechnelley has met the requirements for to qualify for a waiver request.</p> <p>MOTION TO APPROVE ERIC ZECHNELLEY'S WAIVER REQUEST BY PAT IHNAT SECOND BY LAWNAE HUNTER</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
04.05.21	Robert Tessmer	PB	APPROVED	<p>Robert Tessmer - David Malcolm, attorney for Mr. Tessmer explained Mr. Tessmer's qualifications qualifying him for the waiver request. Alex MacLean asked Mr. Malcolm to explain Mr. Tessmer's anticipated supervisory duties would be and Mr. Malcolm responded that Mr. Tessmer had no plans to hire brokers. Pat Ihnat summarized Mr. Tessmer's business plan as a sole proprietor shop, assisting buyers to find property. Debra Gisriel asked Mr. Tessmer is he currently held a brokers' license or taken the principal broker's course work and Mr. Malcolm responded that Mr. Tessmer did not hold a broker's license or taken the principal broker's coursework.</p> <p>MOTION TO APPROVE ROBERT TESSMER'S EXPERIENCE WAIVER REQUIREMENT REQUEST BY LAWNAE HUNTER SECOND BY PAT IHNAT</p> <p>MOTION CARRIED BY 6 AYES (ALEX MACLEAN, PAT IHNAT, MARIE DUE, KIM HEDDINGER, JOSE GONZALEZ, AND LAWNAE HUNTER) AND 3 NAYS (DAVID HAMILTON, SUSAN GLEN, AND DEBRA GISRIEL)</p>
06.07.21	Michael Paluska	PB	APPROVED	<p>Michael Paluska explained his background as an attorney he did not practice litigation and had over 25 years of experience in real estate law. Chair MacLean asked Mr. Paluska what experience he had with continuing education and Mr. Paluska responded that he had provided continuing education for the commercial industry members and for attorneys. Lawnae Hunter asked Mr. Paluska if he intended to operate a traditional brokerage, which would include supervising other brokers and he indicated that was his intention. Chair MacLean asked Mr. Paluska to elaborate on his current supervisory role and he explained that his practice consisted of one attorney and his management experience has been managing staff at various companies that he has owned. Dave Hamilton asked if he intended to continue to run his law firm and Mr. Paluska responded that he would.</p> <p>MOTION TO APPROVE MICHAEL PALUSKA'S REQUEST FOR EXPERIENCE WAIVER BY PAT IHNAT SECOND BY KIM HEDDINGER</p> <p>MOTION CARRIED BY 8 YES VOTES (ALEX MACLEAN, PAT IHNAT, MARIE DUE, JOSE GONZALEZ, DEBRA GISRIEL, LAWNAE HUNTER, SUSAN GLEN, AND KIM HEDDINGER) ONE NO (DAVE HAMILTON)</p>
04.04.22	Dana McNeil	PB	APPROVED	<p>Dana McNeil requested board approval for a 21 month waiver of the 3 year broker experience requirement for the principal broker license. Ms. McNeil outlined her experience of 15 years in commercial real estate, working specifically in the GSA niche in real estate negotiation, project management and construction.</p> <p>MOTION TO APPROVE DANA MCNEIL'S REQUEST FOR EXPERIENCE WAIVER BY ALEX MACLEAN SECOND BY LAWNAE HUNTER</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
06.06.22	Robert Pile	PB	MOTION FAILED – TIE VOTE	<p>MOTION TO APPROVE ROBERT PILE PRINCIPAL BROKER EXPERIENCE WAIVER BY ALEX MACLEAN SECOND BY LAWNAE HUNTER</p> <p>MOTION DOES NOT CARRY WITH SPLIT VOTE– (Gisriel-Nay, Due-Nay, Glen-Nay, Heddinger-Nay, Beal-Aye, Hunter-Aye, MacLean-Aye, Ihnet-Aye)</p>
12.5.22	Robert Pile	PB	APPROVED	<p>MOTION TO APPROVE ROBERT PILE'S REQUEST FOR EXPERIENCE WAIVER BY LAWNAE HUNTER SECOND BY LATASHA BEAL</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>

2.6.23	Kristie Hornbeck	PB	MOTION FAILED – TIE VOTE	MOTION TO APPROVE KRISTIE HORNBECK PRINCIPAL BROKER EXPERIENCE WAIVER MOTION BY LAWNAE HUNTER SECOND BY KIM HEDDINGER MOTION DOES NOT CARRY WITH SPLIT VOTE– (Hunter-Aye, Hedding-Aye, Beal-Aye, Gonzalez-Aye, Due-Nay, Ihnat-Nay, MacLean-Nay, Warren-Nay, Glen-Abstain)
4.3.23	Kristie Hornbeck	PB	APPROVED	MOTION TO APPROVE KRISTIE HORNBECK PRINCIPAL BROKER EXPERIENCE WAIVER MOTION BY LAWNAE HUNTER SECOND BY SUSAN GLEN MOTION CARRIED BY UNANIMOUS VOTE
6.2.25	John Royston Miller III	PB	APPROVED	MOTION TO APPROVE JOHN ROYSTON MILLER III PRINCIPAL BROKER EXPERIENCE WAIVER MOTION BY TOM TAPIA SECOND BY STACY ELLINGSON MOTION CARRIED BY 7 YES VOTES (Michael Warren-Aye, Stacy Ellingson-Aye, Jose Gonzalez-Yea, James Komro-Aye, Tom Tapia-Aye, Debra Neal-Aye, Dawn Duerksen-Aye, LaTasha Beal-Nay)

Principal Broker Waiver of Experience Requirement

Oregon Real Estate Board Review Criteria

When evaluating a petition from an applicant who does not otherwise meet the active licensed experience requirement for a principal broker license, the Board may issue a waiver if the applicant has one of the following:

- **4-year degree in real estate¹ + 1 year of active licensed experience**
- **2-year degree in real estate² + 2 years of active licensed experience**
- **3 years of unlicensed real estate-related experience³**

Experience Waiver Request

The Experience Waiver Request form should include or be accompanied by:

- **Written explanation of relevant education and experience supporting the waiver request, such as resumes or letters of recommendation**
- **Employer verification of unlicensed real estate-related experience**
- **Official transcripts or completion certificates for any real estate-related education**

Background

Applicants for a principal broker license must generally have three years of active licensed experience as a licensed real estate broker or salesperson in this state or another state. If the applicant has met all the other requirements for a principal broker license (education, exam, and any required background check), the applicant may petition the Oregon Real Estate Board for a waiver of the required experience by submitting an Experience Waiver Request form at least 21 days prior to the scheduled Board meeting.

Resources

ORS 696.425, OAR 863-014-0042

¹ In a curriculum approved by the Real Estate Commissioner

² In a curriculum approved by the Real Estate Commissioner

³ Must provide detailed information about the nature of the experience



Experience Requirement Waiver Request

Oregon Real Estate Board
775 Summer Street NE Suite 330
Salem OR 97301-2505
503-378-4170
oregon.gov/rea
orea.info@rea.oregon.gov

Date: 05/4/2026

Oregon License Number: 201229572

Name: Tanner J Dunbar

Daytime Phone Number: 541-399-5317

GENERAL INFORMATION AND DOCUMENTATION

- I am seeking an experience requirement waiver to become a PRINCIPAL REAL ESTATE BROKER. (ORS 696.022 and OAR 863-014-0040): Yes No
- I am currently licensed as a real estate broker in Oregon: Yes No
 - If yes, state the dates for which you held an Oregon real estate license: 10/14/24 to Current
 - Was your Oregon license obtained through a reciprocal agreement with another state? Yes No
- I am currently licensed or have held a real estate license in another state that was issued by the state's licensing authority: Yes No
If yes, Indicate your license history below:

Type of License	State Issued	Dates Active License Held	
Property Manager	Oregon	From: 04/08/2019	To: 10/15/2024
n/a	n/a	From: n/a	To: n/a
n/a	n/a	From: n/a	To: n/a

REQUIRED STEPS

	Date Completed	Additional Required Information	Agency Use Only
Submit a letter requesting the waiver of the 3 years of active licensed experience requirement.	5/04/2026	<ul style="list-style-type: none"> The reason for the request, including the compelling reason why you cannot wait to complete the three years of active licensed experience. Any real estate experience you have equivalent to 3 years of licensed real estate experience. A description of your knowledge and expertise in adequately managing a real estate business, supervising Oregon real estate licensees, and handling clients' trust accounts 	ND

Submit documentation that you completed the Brokerage Administration and Sales Supervision (BASS) course for principal brokers. Complete PRIOR to submitting a waiver request.	05/04/2026	Original course certificate.	ND
Submit documentation that you applied for a principal real estate broker and paid the \$300 application fee in eLicense. Complete this PRIOR to submitting a waiver request.	05/04/2026	Copy of confirmation email from Agency.	ND
Successfully pass the Oregon Principal Broker exam. You must pass both portions of the license exam PRIOR to submitting waiver request.	04/23/2026	National Score: <u>62</u> State Score: <u>44</u>	ND
Provide the number and type(s) of real estate transactions (listings and transactions that were closed) completed while holding a real estate license in Oregon or in another state.	05/04/2026	Attach a document showing the number and types of transactions you have completed while licensed.	ND
Participate in interview with Agency staff to review submission and discuss Board evaluation process.	Not yet	Agency staff will call to schedule an appointment to review the applicant's submission and the Board presentation requirements. Appointment should be at least 20 days before the scheduled Board meeting.	Pending

OPTIONAL STEPS

A four-year college or university degree in real estate curriculum approved by the Commissioner. (OAR 863-014-0042)	n/a	Attach official transcript.	N/A
A two-year associate degree in real estate curriculum approved by the Commissioner. (OAR 863-014-0042)	n/a	Attach official transcript.	N/A
Substantial real estate-related experience equivalent to at least 3 years active licensed experience. Include any real estate designations achieved. (OAR 863-014-0042)	05/04/2026	Attach written details about your additional real estate experience that would assist in the Board's consideration of your waiver request.	ND

OPTIONAL DOCUMENTATION

Letters of reference pertaining to your real estate experience.	05/04/2026	Include with application.	ND
Letters of reference from current or past supervising principal brokers.	n/a	Include with application.	N/A
Documentation of any supervisory experience.	05/04/2026	Include with application.	ND
A description of your familiarity and experience in real estate-related industries, e.g., escrow, title, mortgage.	n/a	Include with application.	N/A

IMPORTANT INFORMATION

- **You must submit this waiver application and all supporting documentation no later than 21 days** before the scheduled Board meeting during which your waiver application will be discussed. Email all documentation to nenah.y.darville@rea.oregon.gov.
- Upon receipt of your waiver application, Agency staff will call to schedule an appointment to review your submission and to provide guidance on your presentation to the Board. **This appointment should be at least 20 days before the scheduled Board meeting.**
- **You must attend the Board meeting during which your waiver is discussed.** The Oregon Real Estate Agency will provide you with the Board’s schedule upon receipt of your documents. Be prepared to answer questions from the Board to support your request.
- **Any real estate experience not included in this submission will not be considered.**
- **All documents submitted become part of the Board Packet and, therefore, are public record.** The Agency highly recommends that you remove/redact any confidential information on your documents, such as your social security number, date of birth, and credit card information.

Please direct any questions to Nenah Darville at (971) 719-3718 or nenah.y.darville@rea.oregon.gov.

I certify that the above information is true to the best of my knowledge.

Tanner Dunbar

Signature of Waiver Applicant

2026 BOARD MEETING DATES

Submit

<u>Meeting Date</u>	<u>Waiver Packet Due Date</u>
February 2, 2026	January 12, 2026
April 6, 2026	March 16, 2026
June 1, 2026	May 11, 2026
August 3, 2026	July 13, 2026
October 5, 2026	September 14, 2026
December 7, 2026	November 9, 2026

04/29/2026

Tanner J. Dunbar
PO Box 1032
Hood River, OR 97031
tanner@your-realtor.net
541-645-0725

Oregon Real Estate Agency
530 Center Street NE, Suite 100
Salem, OR 97301

Subject: Request for Waiver of Three-Year Active License Experience Requirement

Dear Oregon Real Estate Agency Review Committee,

I am writing to formally request a waiver of the three-year active licensed experience requirement for qualification as a Principal Real Estate Broker. I respectfully ask the Agency to consider my professional background, business ownership/management experience, and current licensing circumstances in evaluating this request.

My request is supported by several factors, with the two most significant outlined below:

First, my current Principal Broker intends to retire in the near future and is presently the only Principal Broker in my immediate area without a conflict of interest relative to my ownership of a property management business. Prior to and since obtaining my broker's license, I have been approached by multiple firms; however, each required that I sell/transfer ownership of my business or terminate my existing property management agreements, before affiliating with their office. These conditions would significantly disrupt my established business, the clients we serve and my day to day life.

While I understand that remote supervision is an option, I have found that I learn most effectively through direct, in-person mentorship. If granted this waiver, I would remain with Cheri Belander Real Estate, working closely with my current Principal Broker until her transition. This would allow me to assist in managing agents, organizing brokerage operations, ensuring regulatory compliance, and gaining meaningful, hands-on leadership experience prior to her retirement.

Second, I am the owner of an established property management company serving the Columbia River Gorge. My long-term objective is to operate as a Principal Broker within my own firm, allowing us to expand our services to include real estate sales. This would not only support the continued growth of the business but also provide our current clients, both property owners and tenants, with a seamless pathway to buy and sell real estate. Additionally, it would create advancement opportunities for our current licensed property manager and other staff, allowing them to grow within the organization rather than seeking opportunities elsewhere. My intention is to transition my Principal Broker license to my own firm at the discretion of my current Principal Broker or upon her retirement.

My business management and real estate experience is as follows:

July 2013 – May 2015

Columbia Gorge Hotel – General Manager
Responsible for overseeing vendors, guests, and approximately 200 staff members.

May 2015 – December 2017

Cambridge Real Estate Services – Unlicensed Property Management Assistant
Assisted in managing approximately 200 units, including vendor coordination and maintenance operations across three communities.

December 2017 – April 2019

Leeland Property Management LLC – Unlicensed Property Management Assistant / Tenant Relations Supervisor
Assisted in managing approximately 400 units, handled vendor coordination, and served as the primary point of contact for tenants.

April 2019 – September 2020

Amoriss Oregon LLC (acquired Leeland Property Management's portfolio)

Served as the sole property manager for the portfolio, overseeing approximately 400 units. Managed day-to-day operations involving staff, vendors, tenants, and property owners, and handled all aspects of property management, including recordkeeping and accounting/reconciliation.

September 2020 – October 2024

Premium Property Management of The Gorge LLC – Licensed Property Manager / Owner

Managed all day-to-day operations, including staff oversight, vendor coordination, tenant and owner relations, accounting/reconciliation, company growth, and retention.

October 2024 – Present

Cheri Belander Real Estate – Licensed Broker

Actively assisting clients in buying and selling real estate within the Columbia River Gorge.

In conclusion, I am confident that my comprehensive and hands-on experience has equipped me with the knowledge, judgment, and leadership necessary to responsibly manage and supervise licensees in Oregon.

I am committed to upholding the highest ethical standards while ensuring full compliance with all applicable laws and regulatory requirements. I sincerely appreciate your time and thoughtful consideration of this request and would welcome the opportunity to provide any additional documentation or references in support of my waiver.

Respectfully,



Tanner J. Dunbar

Principal Broker Course Completion Certificate

THIS CERTIFICATE WILL VERIFY THAT:

Tanner Dunbar

Real Estate License Number: 201229572

Mailing Address of:

Po Box 1032, Hood River, OR 97058

has successfully completed the final examination for the correspondence/Internet study course:

Brokerage Administration and Sales Supervision

The course credit granted is **40 hours** on the date of **March 16, 2026** at www.OnlineEd.com. The date of completion is the date the actual Internet study course examination was actually taken and graded. This course is approved by the Oregon Real Estate Agency to meet the requirements of the Oregon Principal Real Estate Broker - Brokerage Administration and Sales Supervision 40 hour course required as a prerequisite to obtaining an Oregon Principal Real Estate Brokers License.

THIS OFFERING IS UNDER THE TOPIC OF
Brokerage Administration and Sales Supervision

OREGON REAL ESTATE AGENCY CERTIFIED CONTINUING EDUCATION COURSE

PROVIDER COURSE NUMBER: **1038-1039**

THIS COURSE WAS SPONSORED AND THIS CERTIFICATE ISSUED BY:



Chris Culbertson, School Director
OnlineEd, LLC.

14355 SW ALLEN BLVD STE 240, BEAVERTON OR 97005-4700

mail@OnlineEd.com, <https://www.onlineed.com/>

Phone: (503) 670-9278

Certificate Authentication Number: 3738813

This certificate is void if the above authentication number cannot be verified by OnlineEd

Click to verify: <https://www.onlineed.com/VERIFY?93DC-C06E-C0B7-E009-3DD9>



From: Oregon Real Estate Agency noreply.rea@rea.oregon.gov
Subject: Oregon Real Estate Principal Broker Application Received Confirmation
Date: Mar 16, 2026 at 9:31:37 PM
To: Tanner James Dunbar tanner.dunbar@yahoo.com

Dear Tanner James Dunbar,

The Oregon Real Estate Agency has received your principal real estate broker license application. You may provide a copy of this e-mail to your real estate school as proof that you have submitted your license application to the Agency.

- Your applicant ID number is #[201229572](#). Please keep this number for future use when contacting the Agency.
- Check your application status by logging into your eLicense account at [https://
orea.elicense.micropact.com/](https://orea.elicense.micropact.com/). Your license requirements will display under the Application Status tab.
- Agency records show that you must complete the following education from approved course providers to be eligible to take the principal broker license exam (only courses completed on or after January 1, 2013 qualify):
 - The 40-hour Brokerage Administration and Sales Supervision course.
- For more information on license requirements, please visit [Principal Broker License Requirements](#).

[Learn about your privacy rights as an applicant undergoing a fingerprint-based FBI record check.](#)

IMPORTANT NOTE: You are NOT actively licensed as a principal broker at this time. You cannot conduct professional real estate activity as a principal broker until you are actively licensed as one.

Oregon Real Estate Agency
775 Summer St NE Suite 330
Salem, OR 97301-1283
(503) 378-4170
<http://www.oregon.gov/rea>
orea.info@rea.oregon.gov

Oregon Real Estate Agency

OR Principal Broker - State

Dunbar, Tanner
PO BOX 1032
HOOD RIVER, OR 97031-0034
US

CANDIDATE ID NUMBER: ****9572
EXAMINATION DATE: 04/08/2026
CONTROL ID: 505415216
BOOKING ID: WZ66FDYN

Congratulations. You have **passed** this examination. Your score is **44**.
The passing score is **38**.

Content Area	Your Score	Max Score
License Law and Disciplinary Measures	4	7
Handling of Clients' Funds	4	5
Agency Law and Rules	5	5
Regulation of Broker Activities	8	8
Document Handling and Recordkeeping	4	4
Property Management	6	6
Oregon Real Estate Related Statutes	13	15
TOTAL	44	50

THIS IS NOT A LICENSE. Do not conduct professional real estate activity until you are notified by the Oregon Real Estate Agency that you are licensed.

- Your fingerprint results can take up to 4 weeks to reach the Agency.
- The Agency will receive your exam scores in 3 business days.
- Check the status of your license application by logging in to your eLicense account at <https://orea.elicense.irondata.com>.
- Passing exam scores and background clearances are good for 1 year. The Agency can only issue a license while your scores and background clearance are valid.
- The requirements for your specific license can be found via the "Get a License" link at www.oregon.gov/rea.
- Once all license requirements are completed, including association to a registered business name (RBN), the Agency will issue a license.

Oregon Real Estate Agency

OR Principal Broker - National

Dunbar, Tanner
PO BOX 1032
HOOD RIVER, OR 97031-0034
US

CANDIDATE ID NUMBER: ****9572
EXAMINATION DATE: 04/23/2026
CONTROL ID: 505465340
BOOKING ID: SBYYGLE5

Congratulations. You have **passed** this examination. Your score is **62**.
The passing score is **60**.

Content Area	Your Score	Max Score
Property Ownership	4	8
Land Use Controls	4	5
Valuation	5	7
Financing	4	7
Contracts	12	14
Agency	7	9
Property Disclosures	5	6
Property Management	3	4
Transfer of Title	6	6
Practice of real estate	8	10
Real estate calculations	4	4
TOTAL	62	80

THIS IS NOT A LICENSE. Do not conduct professional real estate activity until you are notified by the Oregon Real Estate Agency that you are licensed.

- Your fingerprint results can take up to 4 weeks to reach the Agency.
- The Agency will receive your exam scores in 3 business days.
- Check the status of your license application by logging in to your eLicense account at <https://orea.elicense.irondata.com>.
- Passing exam scores and background clearances are good for 1 year. The Agency can only issue a license while your scores and background clearance are valid.
- The requirements for your specific license can be found via the "Get a License" link at www.oregon.gov/rea.
- Once all license requirements are completed, including association to a registered business name (RBN), the Agency will issue a license.

List of transactions while at Cheri Belander Real Estate:

Co-Agent Seller representation for GW – 1 Triplex
Co-Agent Seller representation for GW – 1 Triplex
Buyer Representatin for KW – Single Family Home – Cash Deal
Seller representatiom for TD 318 LLC – Single Family Home
Seller Representation for Day Boat LLC – Single Family Home
Buyer Representation for L&B L – Single Family Home – VA Loan
Seller Representation for CW – Single Family Home
Seller Representation for TD 1501 LLC – Single Family Home
Limited Representation for GC – Single Family Home
Seller Representation for Day Boat LLC – Single Family Home
Buyer Representation for AR – Single Family Home – Conventioal Loan
Seller Rpresentation for TD 809 LLC – Single Family Home

MARCH, 14 2026

TO WHOM IT MAY CONCERN,

IT IS MY PLEASURE TO STRONGLY RECOMMEND TANNER DUNBAR AS AN OUTSTANDING REAL ESTATE AND PROPERTY MANAGEMENT PROFESSIONAL. WE HAVE WORKED WITH TANNER FOR MORE THAN A DECADE, AND DURING THAT TIME HE HAS CONSISTENTLY PROVEN HIMSELF TO BE ONE OF THE MOST CAPABLE, TRUSTWORTHY, AND HARDWORKING PROFESSIONALS IN THE INDUSTRY.

OUR RELATIONSHIP WITH TANNER BEGAN IN 2015 WHILE HE WAS WITH CAMBRIDGE, AND WE CONTINUED WORKING WITH HIM DURING HIS FOUR YEARS AT LEELAND PROPERTY MANAGEMENT. WHEN TANNER MADE THE DECISION TO OPEN HIS OWN COMPANY, WE CHOSE TO FOLLOW HIM WITHOUT HESITATION. THAT DECISION WAS BASED ENTIRELY ON THE EXCEPTIONAL LEVEL OF SERVICE, EXPERTISE, AND RELIABILITY HE HAD ALREADY DEMONSTRATED OVER MANY YEARS.

TODAY, TANNER MANAGES MORE THAN 80 DOORS FOR US, AND HE DOES SO WITH REMARKABLE ORGANIZATION, ATTENTION TO DETAIL, AND PROFESSIONALISM. MANAGING A PORTFOLIO OF THIS SIZE REQUIRES STRONG SYSTEMS, EXCELLENT COMMUNICATION, AND A HIGH LEVEL OF ACCOUNTABILITY—ALL QUALITIES TANNER CONSISTENTLY DELIVERS. HE IS PROACTIVE IN ADDRESSING ISSUES, TRANSPARENT IN HIS COMMUNICATION, AND DEDICATED TO PROTECTING BOTH THE VALUE AND PERFORMANCE OF OUR PROPERTIES.

IN ADDITION TO MANAGING OUR PORTFOLIO, TANNER HAS ALSO REPRESENTED US IN MULTIPLE REAL ESTATE TRANSACTIONS. HE HAS SUCCESSFULLY SOLD SEVERAL HOMES ON OUR BEHALF AND IS CURRENTLY SERVING AS THE LISTING AGENT FOR SEVERAL ADDITIONAL PROPERTIES. HIS MARKET KNOWLEDGE, PROFESSIONALISM, AND STRATEGIC APPROACH TO SALES HAVE MADE HIM AN INVALUABLE PARTNER NOT ONLY IN PROPERTY MANAGEMENT BUT ALSO IN REAL ESTATE BROKERAGE.

WHAT TRULY SETS TANNER APART IS HIS COMBINATION OF DEEP INDUSTRY KNOWLEDGE, STRONG WORK ETHIC, AND GENUINE COMMITMENT TO HIS CLIENTS. HE APPROACHES EVERY RESPONSIBILITY WITH PROFESSIONALISM AND INTEGRITY AND CONSISTENTLY GOES ABOVE AND BEYOND TO ENSURE



THINGS ARE HANDLED CORRECTLY AND EFFICIENTLY. BECAUSE OF THIS, WE HAVE COMPLETE CONFIDENCE IN HIS JUDGMENT AND MANAGEMENT.

IN AN INDUSTRY WHERE RELIABILITY AND TRUST ARE ESSENTIAL, TANNER HAS REPEATEDLY PROVEN HIMSELF TO BE SOMEONE YOU CAN DEPEND ON. I RECOMMEND HIM WITHOUT RESERVATION TO ANYONE SEEKING A HIGHLY CAPABLE, EXPERIENCED, AND PRINCIPLED REAL ESTATE PROFESSIONAL.

SINCERELY,
STEVEN DAY
METRO HOLDINGS, LLC



05/02/2026

Dear Real Estate Agency,

I wanted to take a moment to express our sincere appreciation and recommendation for everything Tanner Dunbar did to help us purchase our home. Navigating a home purchase, especially using a VA loan, felt to be overwhelming, but his guidance made the entire process feel seamless! From looking at the first house to signing at the title company.

His knowledge, responsiveness, and attention to detail gave us complete confidence every step of the way. He consistently took the time to explain the process, anticipate potential challenges, and ensure that everything stayed on track. Because of his expertise, what could have been a complicated transaction instead felt smooth, organized, and stress-free.

We are incredibly grateful not only for his professionalism, but also for his genuine commitment to making sure we found the right home. It's clear that he truly cares about his clients and is knowledgeable about the area. He made all the difference in our home purchase.

We couldn't be happier with how everything turned out, and we will absolutely recommend him to anyone we know looking to buy or sell a home.

Warm regards,
Barbara and Loren Laney

Barbara Laney Loren Laney

**OREGON
GOVERNMENT ETHICS
COMMISSION**



**AGENDA ITEM NO.
VI.**

3218 Pringle Rd. SE Suite 220
Salem, OR 97302-1544

Email: mail@ogec.Oregon.gov

Phone: (503) 378 – 5105

Fax: (503) 373 – 1456

Web: <http://www.oregon.gov/OGEC/>

GOVERNMENT ETHICS LAWS OVERVIEW

<p>Prohibited Use of Position or Office (ORS 244.040)</p>	<p>Public officials are prohibited from using or attempting to use their public positions to obtain financial benefits for themselves, relatives, household members, or businesses with which any is associated, if the benefit would not be available but for the public official holding the position.</p>
<p>Financial Interest in Public Contract (ORS 244.047)</p>	<p>A person who ceases to be a public official may not have a direct beneficial financial interest in a public contract (defined at ORS 279A.010) for two years after the date of its authorization, if the person played a significant role in authorizing (<i>i.e.</i>, selecting, executing, recommending, or approving) that public contract as a public official.</p>
<p>Limits to Accepting Gifts (ORS 244.025; see ORS 244.020(10))</p>	<p>Public officials and their relatives are limited to accepting gifts (defined at ORS 244.020(7)) worth no more than an aggregate of \$50 in a given calendar year from any individual source reasonably known to have an economic interest in the public official’s decision-making.</p>
<p>Conflicts of Interest (ORS 244.020(1); ORS 244.020(13); ORS 244.120)</p>	<p>When a public official, in an official capacity, is faced with making a decision, recommendation, or other action that “<i>would</i>” or “<i>could</i>” financially affect the official, a relative, or business with which either is associated, the public official is faced with an “<i>actual</i>” or “<i>potential</i>” conflict. A conflicted <i>member of a governing body</i> must provide notice of the conflict by making a public announcement, and if the conflict is “<i>actual</i>” (<i>i.e.</i>, “<i>would</i>” financially affect...) must refrain from participation in the matter. <i>Most other public officials</i> must provide written notice to a supervisor/employer. Either type of notice must state the nature of the conflict. A written notice must additionally request that the supervisor/employer dispose of the matter.</p>
<p>Nepotism Prohibitions (ORS 244.177 – 179)</p>	<p>Public officials may not directly – or participate in any interview, discussion, or debate to – appoint, employ, promote, discharge, fire, or demote a relative or household member of the public official. Public officials are also prohibited from supervising relatives and household members.</p>

* NOTE: The terms “*business*”, “*business with which the person is associated*”, “*member of the household*”, “*public official*”, and “*relative*” are defined at ORS 244.020(2), (3), (11), (15), and (16), respectively.

DISCLAIMER: This document presents a brief overview of the most generally applicable Oregon Government Ethics duties and may not account for all relevant laws, exceptions or circumstances. It is ***intended for use as a training tool only and should not substitute for review of ORS Chapter 244 or consultation with an attorney or the Oregon Government Ethics Commission regarding application of the law in a specific situation.***

OREGON GOVERNMENT ETHICS LAW

A GUIDE FOR PUBLIC OFFICIALS



Oregon Government Ethics Commission
3218 Pringle Rd. SE, Suite 220
Salem, OR 97302-1544
Telephone: 503-378-5105
Fax: 503-373-1456
Web address: www.oregon.gov/ogec



DISCLAIMER

This guide has been approved by the Oregon Government Ethics Commission pursuant to ORS 244.320. ORS 244.320 requires this publication to explain in understandable terms the requirements of Oregon Government Ethics law and the Oregon Government Ethics Commission's interpretation of those requirements. Toward that end, statutes and rules have been summarized and paraphrased in this guide. The discussion in this guide should not be used as a substitute for a review of the specific statutes and rules.

There may be other laws or regulations not within the jurisdiction of the Commission that apply to actions or transactions described in this guide.

A penalty may not be imposed under ORS Chapter 244 for any good faith action taken in reliance on the advice in this guide. "In reliance on" the advice in this guide means that the fact circumstances of the action taken are the same fact circumstances that serve as the basis for advice in this guide.

TABLE OF CONTENTS

	<u>Page</u>
Introduction	2
Jurisdiction	3
Public Official: An Overview	4
Are You a Public Official?	6
Volunteers as Public Officials	7
Relatives and Household members of Public Officials	7
A Business Associated With a Public Official	8
Conflicts Of Interest	11
Prohibited Use of Official Position	17
Private Employment by Public Officials	22
Private Employment of Former Public Officials	23
Gifts	26
Gifts as an Exception to Prohibited Use of Official Position	33
Nepotism	35
Annual Verified Statement of Economic Interest	37
SEI Form	38
Legal Expense Trust Fund	41
Commission	42
Written Advice/Opinions	42
No “Safe Harbor”	44
Procedures	45
Index	48

INTRODUCTION

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

When the Commission was established, it was given jurisdiction to implement and enforce the provisions in ORS Chapter 244 related to the conduct of public officials. In addition, the Commission has jurisdiction for ORS 171.725 to 171.785 and 171.992, related to lobbying regulations, and ORS 192.660 and 192.685, the executive session provisions of Oregon Public Meetings law.

This Guide for Public Officials includes a discussion of some provisions that may also apply to lobbying activities. This is especially true when a lobbying activity involves paying the expenses for meals, lodging, travel, entertainment or other financial benefits of a legislative or executive official. Under specific circumstances, ORS Chapter 244 allows the payment of such expenses, but the public official may have a reporting requirement under ORS Chapter 244 and the source of the payment may be required to register as a lobbyist or report the expenditure. The Commission publishes a guide for lobbyists and clients or employers of lobbyists regulated under provisions in ORS Chapter 171. If you have questions regarding registering as a lobbyist, lobbying activity or reports for lobbying expenditures, please refer to our Guide to Lobbying in Oregon, which is available on our website.

ORS 192.660 lists the specific criteria a governing body must use when convening an executive session. Under this statutory authority, executive sessions are limited to discussion of specific matters. This guide does not discuss that portion of the Oregon Public Meetings law, but there is a detailed discussion of executive sessions, as set out in ORS 192.660, in the Attorney General's Public Records and Meetings Manual, available on-line at <https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>

This guide will discuss how the provisions in ORS Chapter 244 apply to public officials and will summarize Commission procedures. It should be used in conjunction with applicable statutes and rules, but should not be used as a substitute for a review of the statutes and rules. It is intended to be a useful discussion, in understandable terms, of topics and issues that are often the focus of inquiries the Commission receives from public officials and citizens.

You will find links to ORS Chapter 244, ORS Chapter 171.725 to 171.785 and 171.992, ORS 192.660 and ORS 192.685, relevant Oregon Administrative Rules (OAR), and other publications referenced in this guide on the Commission's website at <https://www.oregon.gov/ogec/Pages/default.aspx>. Questions or comments may be submitted to the Commission by email at ogec.mail@oregon.gov, by telephone to 503-378-5105, or by fax to 503-373-1456.

JURISDICTION

The jurisdiction of the Oregon Government Ethics Commission is limited to provisions in ORS Chapter 244, ORS 171.725 to 171.785 and 171.992, and ORS 192.660 and 192.685. Other Oregon statutes may also regulate the activities of elected officials and public employees. Some examples are:



- The Elections Division of the Secretary of State's Office regulates campaign finance and campaign activities.
- Federal, state, or local law enforcement has jurisdiction over alleged criminal activity.
- The Oregon Bureau of Labor and Industries investigates cases involving employment-related sexual harassment or discrimination on the basis of race, religion, disability or gender.
- The initial enforcement of the Public Records law lies with County District Attorneys and the Department of Justice.
- Enforcement of the Oregon Public Meetings law lies with the Oregon Circuit Courts, except that the Commission also has jurisdiction over the execution session provisions in ORS 192.660 and 192.685.

There are occasions when a public official engages in conduct that may be viewed as "unethical," but that conduct may not be governed by Oregon Government Ethics law. The following are some examples of conduct by public officials that may not be within the authority of the Commission to address:

An elected official making promises or claims that are not acted upon.

Public officials mismanaging or exercising poor judgment when administering public money.

Public officials being rude or unmannerly.

A person's private behavior unrelated to their actions as a public official.

While the conduct described above may not be addressed in Oregon Government Ethics law, other statutes and public agency policies may prohibit or redress the behavior. Please contact the Commission staff if you need further clarification regarding how the Oregon Government Ethics law may apply to circumstances you may encounter.

PUBLIC OFFICIAL: AN OVERVIEW

The provisions in Oregon Government Ethics law restrict some choices, decisions or actions of a public official. The restrictions placed on public officials are different than those placed on private citizens because service in a public office is a public trust and the provisions in ORS Chapter 244 were enacted to provide one safeguard for that trust.

Public officials must know that they are held personally responsible for complying with the provisions in Oregon Government Ethics law. This means that each public official must make a personal judgment in deciding such matters as the use of official position for financial gain, what gifts are appropriate to accept, when to disclose the nature of conflicts of interest, and the employment of relatives or household members. If a public official fails to comply with the operative statutes, a violation cannot be dismissed by placing the blame on the public official's government employer or the governing body represented by the public official.

One provision, which is the cornerstone of Oregon Government Ethics law, prohibits public officials from using or attempting to use their official positions or offices to obtain a financial benefit for themselves, relatives or businesses with which they are associated if that financial benefit or opportunity for financial gain would not otherwise be available but for the position or office held.

Oregon Government Ethics law limits and restricts public officials and their relatives as to gifts they may solicit or accept. Under specific circumstances, public officials may accept certain gifts. This guide will discuss those provisions. Public officials are allowed to receive salary and reimbursed expenses from their own government agencies.

Another provision that frequently applies to public officials when engaged in official actions is the requirement to disclose the nature of conflicts of interest. This guide will discuss the definition of a conflict of interest, the distinction between actual and potential conflicts of interest, and describe how a public official must disclose and dispose of a conflict of interest.

For some public officials who are elected to offices or hold other select positions, there is a requirement to file an Annual Verified Statement of Economic Interest. This guide will discuss that filing requirement.

It is important for both public officials and members of the general public served by public officials to know that the provisions in Oregon Government Ethics law apply to the actions and conduct of individual public officials and not to the actions of state and local governing bodies or government agencies. Each individual public official is personally responsible for complying with provisions in ORS Chapter 244. Before taking official action, making a decision, participating in an event, or accepting a gift that may raise potential ethics law violations, each public official must make a personal judgment. The Commission staff is available to discuss the issues and offer guidance in making such judgments.

The statutes and rules discussed or illustrated in this guide do not and cannot address every set of circumstances a public official may encounter. Since compliance is the personal responsibility of each public official, public officials need to familiarize themselves with the wide variety of resources that offer information or training on the provisions in Oregon Government Ethics law.

In addition to the statutes in ORS Chapter 244 and the Oregon Administrative Rules (OAR) in Chapter 199, see <https://www.oregon.gov/ogec/Pages/default.aspx>, the Commission's website, which offers information, training and links to this guide, ORS Chapter 244 and OAR Chapter 199. The Commission offers a variety of free training resources and many government agencies also offer internal training to their employees or the agencies may request training from the Commission's trainers. There are a number of membership organizations, such as The League of Oregon Cities, Association of Oregon Counties, Oregon School Boards Association and the Special Districts Association of Oregon, that provide training to public officials. It is imperative for government agencies or organizations that employ or represent public officials to ensure their public officials receive training in Oregon Government Ethics law. Those that fail to provide this training do a disservice to the public officials who they employ or who represent them.



A PUBLIC OFFICIAL

Are you a public official?

“Public official” is defined in ORS 244.020 as the First Partner and any person who, when an alleged violation of ORS Chapter 244 occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

There are approximately 200,000 public officials in Oregon. You are a public official if you are:

- The First Partner, defined as the spouse, domestic partner or an individual who primarily has a personal relationship with the Governor.
- Elected or appointed to an office or position with a state, county, regional, or city government.
- Elected or appointed to an office or position with a special district.
- An employee of a state, county, city, intergovernmental agency or special district.
- An unpaid volunteer for a state, county, regional, city, intergovernmental agency, or special district.
- An agent of the State of Oregon or any of its political subdivisions.

The Commission has adopted, by rule, additional language used to clarify the use of “agent” in the definition of “public official.” The following clarification is in OAR 199-005-0035(7):

As defined in ORS 244.020(15), a public official includes the First Person and anyone serving the State of Oregon or any of its political subdivisions or any other public body in any of the listed capacities, including as an “agent.” An “agent” means any individual performing governmental functions. Governmental functions are services provided on behalf of the government as distinguished from services provided to the government. This may include private contractors and volunteers, depending on the circumstances. This term shall be interpreted to be consistent with Attorney General Opinion No. 8214 (1990).

If I am a volunteer, does that make me a public official?

The Commission recognizes that there are those who volunteer to work without compensation for many state and local government agencies, boards, commissions and special districts. Volunteers may be elected, appointed or selected by the government agency or public body to hold a position or office or to provide services. Among the public officials who volunteer, there are elected or appointed members of state boards or commissions, city councils, planning commissions, fire district boards, school district boards, and many others. There are also many who apply and are selected to perform duties for a government agency, board or commission without compensation, such as firefighters, reserve law enforcement officers, and parks or recreation staff members.

If the position for which you have volunteered serves the State of Oregon or any of its political subdivisions or any other public body, irrespective of whether you are compensated, you are a public official.

How are relatives and household members of public officials affected by Oregon Government Ethics law?

Public officials must always comply with state law when participating in official actions that could result in personal financial benefits and also when participating in official actions that could result in financial benefits for a relative or household member. Public officials should also know there may be limits and restrictions on gifts their relatives or household members may accept when offered.

There are provisions in ORS Chapter 244 that restrict or prohibit a public official from using or attempting to use official actions of the position held to benefit a relative or household member, limit the value of financial benefits accepted by a relative or household member of the public official, or require the public official to disclose the nature of a conflict of interest when a relative may receive a financial benefit. There are provisions that place restrictions on a public official regarding the employment or supervision of a relative or household member. These provisions are discussed more comprehensively in the use of position or office section starting on page 17, the gifts section starting on page 26, the conflicts of interest section starting on page 11, and the nepotism section starting on page 35.

Who is a relative?

Public officials need to know how Oregon Government Ethics law defines a “relative.” In everyday conversation the term “relative” is applied to a spectrum of individuals with “family ties” broader than those defined as relatives in ORS 244.020(16). When a provision in ORS Chapter 244 refers to “relative,” it means one of the following:

- The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;
- The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of

- the spouse of the public official or candidate;
- Any Individual for whom the public official or candidate has a legal support obligation
- Any Individual for whom the public official provides benefits arising from the public official's public employment
- Any Individual from whom the public official or candidate receives benefits arising from the individual's employment.

For purposes of the last two bulleted items, examples of benefits may include, but is not limited to, elements of an official compensation package such as insurance, tuition or retirement benefits.

Who is a “member of the household”?

Public officials need to know how Oregon Government Ethics law defines “member of the household” because there are provisions in ORS Chapter 244 that prohibit a public official from using or attempting to use their official position to financially benefit a member of their household.

A “member of the household” is any person who resides with the public official or candidate. [ORS 244.020] This definition includes any individual who resides in the same dwelling as the public official, regardless of whether that individual pays rent or not, and regardless of whether that individual is a relative or not.

What is a business with which a person is associated?

There are provisions in ORS Chapter 244 that restrict or prohibit a public official from using their position to benefit a business with which the public official or the public official's relative or household member is associated. Other provisions also require the public official to disclose the nature of a conflict of interest when their official actions would or could financially impact a business with which the official or their relative is associated.

As with the definition of relative, public officials need to know how Oregon Government Ethics law defines what a “business” is and how it defines a “business with which the person is associated.” The same sound judgment a public official exercises when participating in actions that could result in a financial benefit to the public official or a relative of the public official should be used when participating in actions that could result in a financial impact to a business with which the public official or the official's relative is associated.

ORS 244.020(2) provides the definition of a “**business**” for the purposes of the application of Oregon Government Ethics law. A “business” is a self-employed individual and any legal entity that has been formed for the purpose of producing economic gain.

- Excluded from this definition are income-producing corporations that are not-for-profit and tax exempt under section 501(c) of the Internal Revenue Code, if a public

official or a relative is associated only as a member, as a member of the board of directors, or in another unpaid position.

Example: An elected County Commissioner is a member of a credit union that operates without profit and is tax exempt under section 501(c) of the Internal Revenue Code. Because the public official is associated with the credit union only as a member, the credit union is not considered a “business” under the definition in Oregon Government Ethics law.

Example: The son of an elected city councilor is a teller employed by a credit union that operates without profit and is tax exempt under section 501(c) of the Internal Revenue Code. Because the public official’s relative is a paid employee of the credit union, the city councilor’s association with the credit union does not meet the exclusion above, and the credit union would be considered a “business” under the definition in Oregon Government Ethics law.

- Also excluded from the definition of business are entities, such as state and local governments or special districts, which are not formed for the purpose of producing income.

Example: An advisory board for the Department of Education awards grants to county, city or other local government entities. The advisory board’s members include public officials who are employed by a city police department and by a local fire district. These public officials would not have conflicts of interest when awarding grants to the city or to the fire district, because these government entities do not meet the statutory definition of a “business.”

Once a public official determines that an entity qualifies as a “business,” the public official must also determine if it is a “business with which the person is associated.” In accordance with ORS 244.020(3), a business is a “**business with which the person is associated**” for a public official or the relative or household member of the public official in any of the following circumstances:

- When a person, or their relative is a director, officer, owner, employee or agent of a private business or a closely held corporation.

Example: The Eugene City Recorder is a public official and her daughter is the president and owner of a private landscaping business. That business would be “a business with which the City Recorder’s relative is associated.”

- When a person or their relative currently holds, or held during the preceding calendar year, stock, stock options, an equity interest or debt instrument worth \$1,000 or more in a **private business or closely held corporation**.

Example: The Mayor of Seaside’s brother currently holds an equity interest of more than \$1,000 in a private business owned by a college friend. This would be a “business with which the Mayor’s relative is associated.”

- When a person or their relative currently owns, or has owned during the preceding calendar year, stock, stock options, an equity interest, or debt instruments of \$100,000 or more in a **publicly held corporation**.

Example: The procurement officer for the City of Portland recently inherited stock worth \$110,000 in Nike, which is a publicly held corporation. Nike is a “business with which the procurement officer is associated.”

- When a person or their relative is a director or officer of a **publicly held corporation**.

Example: A Planning Commissioner for Washington County is the son of a member of the Board of Directors for Intel, a publicly held corporation. Intel is a “business with which the Planning Commissioner’s relative is associated.”

- When a public official is required by ORS 244.050 to file an Annual Verified Statement of Economic Interest and the business is required to be listed as a source of household income, per ORS 244.060.

Example: A Bend city councilor is required to file an Annual Verified Statement of Economic Interest (SEI). A member of the city councilor’s household, not a relative, is a paid employee of a private business. The private business which employs the household member would be a “business with which the city councilor is associated” if it provides 10% or more of the councilor’s annual household income.



CONFLICTS OF INTEREST

How does a public official know when they are met with a conflict of interest and, if met with one, what must they do?

Oregon Government Ethics law identifies and defines two types of conflicts of interest. An **actual conflict of interest** is defined in ORS 244.020(1) and a **potential conflict of interest** is defined in ORS 244.020(13). In brief, a public official is met with a conflict of interest when participating in official action which would or could result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either is associated.



The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “**would**” and “**could**.” A public official is met with an **actual** conflict of interest when the public official participates in an official action, decision, or recommendation that **would** affect the financial interest of the official, their relative, or a business with which they or their relative is associated. A public official is met with a **potential** conflict of interest when the public official participates in an official action, decision, or recommendation that **could** affect the financial interest of the official, their relative, or a business with which they or their relative is associated. The following hypothetical circumstances are offered to illustrate the difference between actual and potential conflicts of interest and what is not a conflict of interest:

- **POTENTIAL CONFLICT OF INTEREST:** A school district has decided to construct a new elementary school and the school board is at the stage of developing criteria for the construction bid process. A recently elected school board member’s son owns a construction company in town. The school board member would be met with a potential conflict of interest when participating in official actions to develop the bid criteria, because the official actions she takes **could** financially impact her son’s construction company, a business with which her relative is associated.
- **ACTUAL CONFLICT OF INTEREST:** A school district is soliciting bids for the construction of a new elementary school. The bid deadline was last week and the district Superintendent has notified the school board that there are four qualified bids and the school board will be awarding the bid to one of the four bidders at their upcoming meeting. One of the qualified bids was submitted by the construction company owned by a school board member’s son. The school board member would be met with an actual conflict of interest when awarding this bid because the effect of her decision **would** have a financial impact (either positive or negative) on her son’s construction company, a business with which her relative is associated.

- **NO CONFLICT OF INTEREST:** A school district is soliciting bids for the construction of a new elementary school. One of the qualified bids was submitted by a construction company owned by a board member's best friend but neither the board member nor any relative are associated with the construction company. The school board member would **not** be met with a conflict of interest when awarding this bid because the effect of her official decision **would not or could not** have a financial impact on herself, a relative, or a business with which she or her relative is associated.

What if I am met with a conflict of interest?

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described below:

Legislative Assembly:

Members must announce the nature of the conflict of interest in a manner pursuant to the rules of the house in which they serve. The Oregon Attorney General has determined that only the Legislative Assembly may investigate and sanction its members for violations of conflict of interest disclosure rules in ORS 244.120. [49 Op. Atty. Gen. 167 (1999) issued on February 24, 1999]

Judges:

Judges must remove themselves from cases giving rise to the conflict of interest or advise the parties of the nature of the conflict of interest. [ORS 244.120(1)(b)]

Public Employees:

Public officials who are hired as public employees, agents, or who volunteer with their public bodies must provide **written notice** to the person who appointed or employed them (their "appointing authority"). The notice must describe the nature of the conflict of interest with which they are met and request that their appointing authority dispose of the conflict. This written disclosure to the appointing authority satisfies the requirements of ORS 244.120 for the employee. The appointing authority must then designate an alternate person to handle the matter or direct the public official in how to dispose of the matter. [ORS 244.120(1)(c)]

Example of Disclosure and Disposal: A County employee's job includes issuing building permits. An application concerns property owned by the employee's stepfather. The employee would be met with a conflict of interest and would need to make a written disclosure of his conflict to his appointing authority, in this case his department supervisor, and ask that the supervisor dispose of the conflict. Once the employee makes the written disclosure, he has complied with the conflict of interest statute. Upon receipt of a written disclosure from an employee, the supervisor must respond by either delegating an alternative person to handle the matter or directing the public official in how to dispose of the matter. **Note:** If the supervisor directs the public official to dispose of the conflict by handling his

relative's permit the same as any other permit, the supervisor could be asking an employee to take official actions that may violate the prohibited use of position statute, ORS 244.040(1). See page 17.

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 the conflict of interest before participating in any allowable official action on the issue giving rise to the conflict of interest. [ORS 244.120(2)(a) and ORS 244.120(2)(b)] The announcement must be made in a public meeting, or if no public meeting is available, by other means reasonably determined to notify members of the public of the public official's disclosure. For elected officials who do not hold regular public meetings, such as a Sheriff, District Attorney, or the Secretary of State, other means of compliance could be through a press release or by posting the disclosure on the public body's website.

- **Potential Conflict of Interest:** Following the public announcement of the nature of a potential conflict of interest, elected officials (other than legislators) and those appointed to Boards and Commissions, may participate in official action on the issue that gave rise to the conflict of interest.

Example: A city has decided to solicit bids to develop a new computer system and the city councilors are developing criteria for the bid process. A city councilor's brother works for an IT firm in town. The councilor would be met with a **potential** conflict of interest when participating in official actions to develop the bid criteria, because the official actions she takes **could** financially impact her brother's employer, a business with which her relative is associated. The councilor should publicly disclose the nature of her conflict of interest at the council meeting when the development of bid criteria comes up for consideration. Following the public disclosure, she may continue to participate in discussions and votes on the issue.

- **Actual Conflict of Interest:** Following the public announcement of the nature of an actual conflict of interest, the public official must ordinarily refrain from further participation in official action on the issue that gives rise to the conflict of interest. [ORS 244.120(2)(b)(A)]

Example: The city council is meeting to award a bid for a new IT project. Qualified bidders include a company that employs a city councilor's brother. The city councilor has an **actual** conflict of interest because the effect of her decision **would** have a financial affect, whether positive or negative, on a business with which her brother is associated. The city councilor must publicly announce the nature of her conflict of interest at the meeting and then refrain from any discussion or vote on the matter.

Exception: If a public official is met with an actual conflict of interest and the public official's vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement of their conflict of interest and refrain from any discussion or debate, but may participate in the vote required for official action by the governing body. [ORS 244.120(2)(b)(B)]

Example: In the scenario above, the city councilor would be met with an actual conflict of interest. The city council has 5 members and it takes 3 votes for board action. At the time of this meeting, one seat is vacant, another member is absent, and the member with the actual conflict is present, but conflicted, leaving the city council without the requisite 3 votes to take action. In this instance, following her public disclosure, the conflicted city councilor must refrain from any discussion or debate on the issue, but she may vote in order for the council to take action. Alternatively, the council may choose to delay the vote until a later meeting when more city councilors are present.

The following circumstances may exempt a public official from the requirement to make a public announcement or give a written notice describing the nature of a conflict of interest:

- If the conflict of interest arises from a membership or interest held in a particular business, industry, occupation or other class **and** that membership is a prerequisite for holding the public official position. [ORS 244.020(13)(a)]

Example: The Oregon Medical Board requires that one Board member must be a practicing physician, any official action taken by the physician board member that affects all physicians to the same degree would be exempt from the conflict of interest requirements. The physician Board member need not disclose a conflict of interest and may participate in taking official action on the issue.

- If the financial impact of the official action would impact the public official, their relative, or a business with which they or their relative is associated, to the same degree as other members of an identifiable group or "class." The Commission has the authority to identify a group or class and determine the minimum size of that "class." [ORS 244.020(13)(b) and ORS 244.290(3)(a)] The number of persons affected **to the same degree** as the public official will help to determine whether this exception applies.

Only the Commission may determine whether a "class" exemption exists. A written request must be made to the Commission to make that determination in advance. If a public official determines that a "class" exception applies in their situation, without benefit of Commission advice, the Commission may later determine that a "class" exception does not apply to the situation, and could find a violation.

Example: A city council is considering a change to the local transient lodging tax collected and remitted to the city by hotels and motels. One of the city councilors owns a motel. The effect of official actions taken by the city councilor concerning this tax would impact all motel owners within the city. The Commission may determine that the city councilor is part of an identifiable group or “class” of 200 city motel/hotel owners, who would be affected to the same degree and thus exempt from the conflict of interest disclosure and participation restrictions.

Example: A city council is considering a change to the local transient lodging tax collected and remitted to the city by motels. One of the city councilors is a motel owner. The effect of official actions taken by the city councilor concerning this tax would impact all motel owners within the city. The Commission declined to find that the class exemption applies due to the size of the “class” because there are only 3 motels in the city, 2 of which are owned by the councilor. The class exemption would not apply in these circumstances and the councilor must comply with the conflict of interest disclosure and participation restrictions.

Example: A city council is considering a proposal to construct a by-pass route around the city’s business district. The city’s business district includes many businesses and restaurants, including a coffee shop owned by one of the city councilors and a drive-thru espresso stand owned by another resident. The effect of the by-pass would not affect all business owners in the city to the same degree. The class exemption would not apply in these circumstances and the councilor who owns the coffee shop must comply with the conflict of interest disclosure and participation restrictions.

- If the conflict of interest arises from a directorship on the board of, or membership in, a nonprofit corporation that is tax-exempt under 501(c) of the Internal Revenue Code. [ORS 244.020(13)(c)]

Example: A city councilor is also a board member of the local YMCA, a tax-exempt 501(c) organization. The decision, as a city councilor, to award a grant to that YMCA would be exempt from the conflict of interest disclosure and participation restrictions. [ORS 244.020(13)(c)]

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 is required to record the disclosure of the nature of the conflict of interest in the public body’s official records (e.g. personnel file, meeting minutes, audio/video recording). It is to the public official’s benefit to ensure their conflict disclosure is recorded in their public body’s records. [ORS 244.130(1)]

Is a public official required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon?

Each time a public official is met with a conflict of interest, the nature of the conflict must be disclosed.

- For example, an elected member of the city council when met with a conflict of interest would have to make the public announcement one time, but only one time, **in each meeting** of the city council when the matter was raised. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.
- Public officials who are employees would need to submit separate written notices on each occasion when a conflict of interest arises. As an example, an employee in a city planning department would have to give a separate written notice before each occasion when they needed to take an official action involving property owned by a relative. [ORS 244.120(3)]

If a public official failed to announce the nature of a conflict of interest and participated in official action, is the official action voided?

- **No.** Any official action that is taken may not be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest. [ORS 244.130(2)] Even though the action may not be voided, the public official could face potential personal liability for the violation.



USE OF POSITION OR OFFICE

What are the provisions of law that prohibit a public official from using the position or office held for financial gain or avoidance of financial detriment?

ORS 244.040(1) prohibits every public official from using or attempting to use the position held as a public official to obtain a financial benefit, if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official. The prohibited financial benefit can be either an opportunity for personal financial gain or an opportunity to avoid incurring a personal expense.



Not only is a public official prohibited from using the position as a public official to receive personal financial benefits, but the public official is prohibited from using or attempting to use their position as a public official to obtain financial benefits for a relative or a member of the public official's household. Also prohibited is using or attempting to use the public official's position to obtain financial benefits for a business with which the public official, a relative, or a member of the public official's household is associated.

There are a variety of actions that a public official may take or participate in that could constitute the prohibited use or attempted use of the public official's position. The use of a position could be voting in a public meeting, placing a signature on a government agency's document, making a recommendation, making a purchase with government agency funds, or using a government agency's time or resources (computers, vehicles, machinery) to obtain a personal financial benefit or avoid a personal cost.

The following examples are offered to illustrate what may constitute prohibited use or attempted use of office or position. Please note that this is not an exhaustive list:

- The mayor of a city signs a contract obligating the city to pay for janitorial services provided by a business owned by the mayor's relative.
- An executive director of an agency is ordering 10 new laptops for the agency, which qualifies for a bulk purchase discount of \$150 per laptop. He adds 2 laptops for his family to the agency's order to personally take advantage of the discount, and then reimburses the agency for the discounted cost of his personal laptops.
- A city billing clerk alters water use records so that the amount billed to the clerk's parents will be less than the actual amount due.
- A volunteer firefighter borrows the fire district's power washer to prepare the exterior of the volunteer's personal residence for painting.
- A county public works employee stores a motor home that is owned by the employee's parents in a county building used for storing heavy equipment.
- An employee of a state agency has a private business and uses the agency's computer to conduct the activities of the private business.

- A county commissioner uses the county's pickup truck to haul his own personal boat to and from his vacation home.
- A school district superintendent hires her sister's consulting business to provide an in-service training to teachers in her district.
- A teacher solicits her students' parents to hire her for paid tutoring services.

NOTE: While these examples are offered to illustrate the use of a public official's position prohibited by ORS 244.040(1), the examples illustrate occasions where a public official may also be met with a conflict of interest as defined in ORS 244.020(1) and (13). The provisions in ORS 244.040 apply regardless of whether a public official has properly disclosed a conflict of interest. [ORS 244.040(7)]. For further information, refer to the detailed discussion of conflicts of interest starting on page 11.

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

- ORS 244.040(3) prohibits a public official from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the public official's vote, official action or judgment.
- Public officials often have access to or manage information that is confidential and not available to members of the general public. ORS 244.040(4) specifically prohibits public officials from using or attempting to use confidential information gained because of the position held to further their own personal gain.
- ORS 244.040(5) prohibits a **former** public official from attempting to use confidential information for **any** person's financial gain if that confidential information was obtained while holding the position as a public official, from which access to the confidential information was obtained.
- ORS 244.040(6) also has a single provision to address circumstances created when public officials, who are members of the governing body of a public body, own or are associated with a specific type of business. The type of business is one that may occasionally send a representative of the business to appear before the governing body on behalf of a client for a fee. Public officials who are members of governing bodies and who own or are employed by businesses, such as a law, engineering, or architectural firm, may encounter circumstances in which this provision may apply.

Example: A member of a city council is an architect. A client developer of the architect's firm has a proposed subdivision to be approved by the city council. The architect/councilor may not appear before the city council on behalf of the client developer. Another person from the architect's firm may represent the client developer before the city council, but not the architect/councilor.

Aside from ORS 244.040, are there other prohibitions on public officials using their positions to avoid a personal financial detriment?

Yes. ORS 244.049 prohibits a holder of public office or candidates for public office from using public moneys or moneys received from a third party to make payments in connection with a non-disclosure agreement relating to workplace harassment if the alleged harassment occurred when the holder of public office or candidate was acting in that capacity. This prohibition applies to a person holding, or a candidate for, any elected state, county, district, city office or position.

Are there any circumstances in which a public official may use their position to accept financial benefits that would not otherwise be available but for holding the position as a public official?

Yes. ORS 244.040(2) provides a list of financial benefits that would not otherwise be available to public officials but for holding the position as a public official. The following financial benefits are not prohibited and may be accepted by a public official, and some may also be accepted by a public official's relative or member of the public official's household:

Not Prohibited:

- **Official Compensation:** Public officials may accept any financial benefit that is identified by the public body they serve as part of the “official compensation package” of the public official. If the public body identifies such benefits as salary, health insurance or various paid allowances in the employment agreement or contract of a public official, those financial benefits are part of the “official compensation package.” [ORS 244.040(2)(a)]



OAR 199-005-0035(3) provides a definition of “official compensation package”:
An “official compensation package” means the wages and other benefits provided to the public official. To be part of the public official's “official compensation package”, the wages and benefits must have been specifically approved by the public body in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials. “Official compensation package” also includes the direct payment of a public official's expenses by the public body, in accordance with the public body's policies.

- **Reimbursement of Expenses:** A public official may accept payments from the public official's public body as reimbursement for expenses the public official has personally paid while conducting the public body's business. [ORS 244.040(2)(c)]



The “reimbursement of expenses” means the payment by a public body to a public official serving that public body, of expenses incurred in the conduct of official duties on behalf of the public body. Any such repayment must comply with any applicable laws and policies governing the eligibility of such repayment. [OAR 199-005-0035(4)]

If the payment of a public official’s personal expenses does not meet this definition, it may be a financial benefit prohibited or restricted by other provisions in ORS Chapter 244. There are occasions when someone will refer to the payment of a public official’s expenses by a person or entity other than the public official’s public body as a reimbursement of expenses. That is not the reimbursement of expenses as used in ORS 244.040(2)(c) and defined in OAR 199-005-0035(4).

- **Honoraria:** Most public officials are allowed to accept honoraria by ORS 244.040(2)(b) as defined in ORS 244.020(8). A public official must know how an honorarium is defined because there are many occasions when someone will offer them a financial benefit and call it an honorarium, but it does not meet the definition of honorarium in ORS 244.020(8).



For a payment to be defined as an honorarium, it must be made for a service, like a speech or other service rendered in connection with an event, for which no price is set and for which the public official required no fixed amount to be paid in return for providing the service. A payment or something of economic value given to a public official in exchange for services provided by the public official is an honorarium when the setting of the price has been prevented by custom or propriety.

A public official may not receive an honorarium when performing a service in the course of their duties as a public official. A public official may not accept honoraria if the value exceeds \$50, unless the honoraria is received for services performed in relation to the private profession, occupation, avocation, or expertise of the public official or candidate. [ORS 244.042(3)(a) and (b)].

Public officials must be sure, when they are offered a payment or something of economic value and it is referred to as an honorarium, that it does meet the definition in ORS 244.020(8). If it does not meet this definition, it may be a financial benefit prohibited or restricted by other provisions in ORS Chapter 244.

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

- Awards for Professional Achievement: Public officials may accept an award, if the public official has not solicited the award, and the award is offered to recognize a professional achievement of the public official. [ORS 244.040(2)(d)]



Awards for professional achievement should not be confused with awards of appreciation, allowed by ORS 244.020(7)(b)(C), an honorarium allowed by ORS 244.040(2)(b), or gifts that are allowed or restricted by other provisions in ORS Chapter 244.

Awards for professional achievement are best illustrated by awards that denote national or international recognition of a public official's achievement, such as receipt of the Nobel Prize. These awards may also be offered by public or private organizations in the state that are meant to recognize a public official for a distinguished career, such as Oregon's Teacher of the Year award made by the Oregon Department of Education which includes a monetary prize and travel funds. Professional achievements recognized may be identified as 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.

- Contributions to Legal Expense Trust Fund: There are provisions in ORS 244.209 that allow public officials to establish legal expense trust funds that are approved by the Commission. ORS 244.040(2)(h) allows a public official who has established this trust fund to solicit, accept and be the trustee for contributions to the established fund. This is discussed in a separate section of the Guide p.41.



- Certain Gifts: Public officials may accept some gifts without limitation on the quantity or aggregate value of gifts. Acceptance of these gifts does not constitute a prohibited use of office. See allowable gifts, page 33. [ORS 244.040(2)(e) to (g)]



PRIVATE EMPLOYMENT OF PUBLIC OFFICIAL

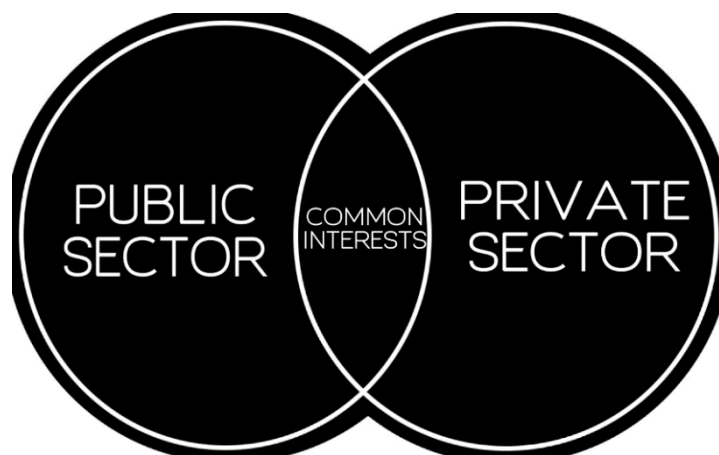
Does Oregon Government Ethics law prohibit a public official from owning a private business or working for a private employer while continuing employment with or holding a position with a public body?

No. As mentioned earlier, many public officials are volunteers, meaning there is little or no compensation for the public position. Other public officials may receive compensation from their public bodies, but still choose to seek additional sources of income. Some work for a private business and others establish a private business of their own. **NOTE: This guide does not address other statutes or agency policies that may limit private employment for public officials.**

In general, public officials may obtain employment with a private employer or engage in private income producing activity of their own, but they must keep a separation between their public positions and their outside employment or private business interests. The Commission has created the following guidelines for public officials to follow in order to avoid violating Oregon Government Ethics law when engaged in private employment or a personally owned business.

GUIDELINES FOR OUTSIDE EMPLOYMENT OF PUBLIC OFFICIALS

1. Public officials must not use their public position to create the opportunity for additional personal income.
2. Public officials may not use a government agency's supplies, facilities, equipment, employees, records or any other public resources to engage in their private employment or business interests.
3. Public officials are not to engage in private business interests or other employment activities on their government agency's time.
4. Confidential information gained as a public official is not to be used to obtain a financial benefit for the public official, a relative or member of the public official's household or a business with which any are associated.



EMPLOYMENT OF FORMER PUBLIC OFFICIALS

What are the restrictions on employment after I resign, retire or leave my public official position?

- ORS 244.040(1) prohibits public officials from using their official positions or offices to create a new employment opportunity; otherwise, most former public officials may enter the private work force with few restrictions.
- ORS 244.040(5) prohibits a former public official from using or attempting to use confidential information for the personal gain of any person if the confidential information was obtained while holding the position as a public official.
- Oregon Government Ethics law restricts the subsequent employment of certain public officials. The restrictions apply to positions listed below:

ORS 244.045(1) State Agencies:

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

1. One year restriction on accepting employment from or gaining financial benefits from a private employer in the activity, occupation or industry that was regulated by the agency for which the public official was the Director, Administrator or Commissioner.
2. Two year restriction on lobbying, appearing as a representative before the agency, or otherwise attempting to influence the agency for which the public official was the Director, Administrator or Commissioner.
3. Two year restriction on disclosing confidential information gained as the Director, Administrator or Commissioner for the agency.

ORS 244.045(2) Department of Justice:

Deputy Attorney Generals
Assistant Attorney Generals

Two year restriction from lobbying or appearing before an agency that they represented while employed by the Department of Justice.

ORS 244.045(3) Office of the Treasurer:

State Treasurer
Deputy State Treasurer

1. One year restriction from accepting employment from or being retained by a private entity with which there was negotiation or contract awarding \$25,000 in a single year by the office of the State Treasurer or Oregon Investment Council.
2. One year restriction from accepting employment from or being retained by a private entity with which there was investment of \$50,000 in one year by the office of the State Treasurer or Oregon Investment Council.
3. One year restriction from being a lobbyist for an investment institution, manager or consultant, or from representing an investment institution, manager, or consultant, before the office of State Treasurer or Oregon Investment Council.

ORS 244.045(4) Public Officials who invested public funds:

1. Two year restriction from being a lobbyist or appearing before the agency, board or commission for which public funds were invested.
2. Two year restriction from influencing or trying to influence the agency, board or commission.
3. Two year restriction from disclosing confidential information gained through employment.

ORS 244.045(5) Department of State Police:

Member of State Police who has been designated by law and was responsible for supervising, directing or administering programs related to Native American tribal gaming or the Oregon State Lottery

1. One year restriction from accepting employment from or gaining financial benefit related to gaming from the Lottery or a Native American Tribe.
2. One year restriction from gaining financial benefit from a private employer who sells gaming equipment or services.
3. One year restriction from trying to influence the Department of State Police or from disclosing confidential information.

Exceptions include subsequent employment with the state police, appointment as an Oregon State Lottery Commissioner, Tribal Gaming Commissioner or lottery game retailer, or personal gaming activities.

ORS 244.045(6) Legislative Assembly
Representative
Senator

A person who has been a member of the Legislative Assembly, may not, within one year after ceasing to be a member of the Legislative Assembly, receive money or other consideration for lobbying as defined in ORS 171.725.

How would Oregon Government Ethics law apply when a former public official is employed by a business that has a contract with the public body previously represented by the former public official?



In addition to the restrictions on specific positions identified above, the restriction in ORS 244.047 applies to all former public officials. After a public official ceases serving a public body or being employed in a position as a public official, that public official may not have a direct beneficial financial interest in a public contract for two years after the date the contract was authorized by the person acting in their capacity as a public official.

Whether a public official authorizes a contract individually as an employee of a public body, or participated in the authorization of a contract in their official capacity as a member of a board, commission, council, bureau, committee or other governing body, the person is restricted from financially benefiting from that public contract for two years after the date of authorization. [ORS 244.047]

“Authorized by” is defined in OAR 199-005-0035(6) as follows:

As used in ORS 244.047, 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. A significant role can include recommending approval or signing of the contract, including serving on a selection committee or team, or having the final authorizing authority for the contract.

GIFTS

Oregon Government Ethics law establishes restrictions on the value of gifts that can be accepted by a public official. If the source of a gift to a public official has a legislative or administrative interest in the decisions or votes of the public official, the public official can only accept gifts from that source when the aggregate value of gifts from that source does not exceed \$50 in a calendar year. [ORS 244.025].



The following framework of conditions applies when public officials, their relatives, or members of their households are offered gifts. To decide if a gift, or “something of value,” can be accepted with or without restrictions, the public official must analyze the offer and the source of the offer. As will be apparent in the following discussion, the burden of any decision on accepting a gift rests solely with the individual public official.

What counts as a “gift”?

When Oregon Government Ethics law uses the word “gift” it has the meaning in ORS 244.020(7)(a):

“Gift” means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

(A) 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

(B) 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 to:

- A public official or candidate or to relatives or members of the household of a public official or candidate,
- Without cost or at a discount or as a forgiven debt, and,
- The offer is not made or available to members of the general public who are not public officials, candidates, or their relatives or household members on the same terms and conditions.

Example: At a conference exclusively for city and county officials, a public official buys a raffle ticket and wins a big screen television. The television is a gift because the value of the television exceeds the cost of the raffle ticket and the opportunity to enter the raffle and win the television was not available to members of the general public on the same terms and conditions.

Example: Outside of a grocery store, a public official buys a raffle ticket from a local scout troop and wins a big screen television. The television is not a gift because, although the value of the television exceeds the cost of the raffle ticket, the opportunity to enter the raffle and win the television was available to members of the general public on the same terms and conditions.

Once a public official or candidate has determined that an offer is a gift, because it is something of economic value that is not offered to members of the general public who are not public officials or candidates on the same terms and conditions, the public official or candidate must then determine if the value of the gift, combined with any other gifts from the same source during the calendar year, exceeds \$50. If so, the public official must then determine if the source of the gift has a legislative or administrative interest.

Any discussion of gifts must begin with the reminder that if the source of a gift to a public official or candidate **does not** have a legislative or administrative interest in the decisions or votes of the public official or candidate if elected, the public official or candidate can accept unlimited gifts from that source. [ORS 244.040(2)(f)]

What is a “Legislative or Administrative Interest”?



Whether there is a legislative or administrative interest is pivotal to any decision a public official or a candidate, if elected, makes on accepting gifts. It will mean the difference between being allowed to accept gifts without limits, accepting gifts with an annual limit of \$50 on the aggregate value, or accepting gifts which are specified exceptions under ORS 244.020(7).

The definition of a legislative or administrative interest is set forth in ORS 244.020(10):

“‘Legislative or administrative interest’ means an economic interest, distinct from that of the general public, in:

(a) Any matter subject to the decision or vote of the public official acting in the public official’s capacity as a public official; or

(b) 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.”

When analyzing a set of circumstances and applying “legislative or administrative interest,” there are several factors to consider:

Source: The Commission adopted a rule that identifies the source of a gift as the person or entity that makes the ultimate and final payment of the gift’s expense. OAR 199-005-0030 places two burdens on a public official who accepts gifts. The public official must know the identity of the source and, if applicable, avoid exceeding the limit on the aggregate value of gifts accepted from that source. [OAR 199-005-0030(2)]

Distinct from that of the general public:

With regard to gifts, this phrase refers to a distinct economic interest held by the source of a gift. That economic interest is in the financial gain or loss that could result from any votes cast or decisions made by a public official. If the source of a gift would realize a financial gain or detriment from matters subject to the vote or decision of a public official, that source has an economic interest in that public official. That economic interest is “distinct from that of the general public” if the potential financial gain or detriment is distinct from the financial impact that would be realized by members of the general public from the matters subject to votes or decisions of that same public official.



There are decisions or votes that have an economic impact on single individuals or individuals from specific businesses or groups that are distinct from the economic impact on members of the general public. On the other hand, there are many votes or decisions made by public officials that have the same general economic impact on individuals, businesses, organizations and members of the general public. Some examples of decisions or votes that would likely have an economic impact on members of the general public would be those that change water usage rates for residential users, fees for pet licenses, or fines for parking violations.

To illustrate, private contractors have an economic interest in any public official who has the authority to decide or vote to award them contracts. The economic interest of these contractors is distinct from the economic interest held by members of the general public in those decisions or votes.

To further illustrate, real estate developers have an economic interest in any public official who has the authority to decide or vote to approve their land use applications or building permits. The economic interest of these developers is distinct from the economic interest held by members of the general public in those decisions or votes.

Vote: This has the common meaning of to vote as an elected member of a

governing body of a public body or as an appointed member of a committee, commission or board appointed by a governing body, Oregon Legislative Assembly, or the Office of the Governor.

Decision: A public official makes a decision when the public official exercises the authority given to the public official to commit the public body to a particular course of action. [OAR 199-005-0003(2)].



Whether to accept or reject the offer of a gift must be made individually by each public official. There will be some public officials who may accept unlimited gifts from a source and other public officials within the same public body that would have restrictions on gifts have the same authority, responsibilities or duties. Some may vote and make decisions, others may do one but not the other, and many will not vote or make decisions. This means that when gifts are offered to two or more public officials, one public official may be allowed to accept the gift without limits, and another public official may not be able to accept the gift at all, or may only be able to accept it with limits as to value or with other restrictions.

Example: A cellular service provider offers a discounted cell-phone plan for first responders. The discounted plan is available only to first responders who work for state or local governments. Because the discounted cell-phone plan is not available to members of the general public on the same terms and conditions, it is a gift subject to the restrictions and limitations in ORS 244.025. First responders who are in positions to make official decisions for their agencies that could financially affect the cellular service provider, such as Fire Chiefs or board members, could not accept the discounted cell-phone plan since the discount totals more than \$50 in a calendar year; however, first responders who are not in positions to make official decisions for their agencies that could financially affect the cellular service provider could accept the discounted cell-phone plan.

What obligations are placed on the giver of a gift?

Sources who offer gifts or other financial benefits to public officials must also be aware of the provisions in ORS Chapter 244. While the specific gift of paid expenses may be allowed by ORS 244.020(7)(b)(F), ORS 244.100(1) requires the source of this gift, if over \$50, to notify the public official in writing of the aggregate value of the paid expenses. There is also a notice requirement in ORS 244.100(2) for the source of an honorarium when the value exceeds \$15. Lobbyists, clients or employers of lobbyists, and others who provide gifts or financial benefits to public officials should also familiarize themselves with the provisions in ORS 171.725 through ORS 171.992 and Divisions 5 and 10 of Chapter 199 in the Oregon Administrative Rules. The Commission has published a “Guide to Lobbying in Oregon” that provides a summary of these regulations and rules.

What gifts may a public official accept regardless of value?

While gifts from a source with a legislative or administrative interest in the decisions or

votes of a public official may only be accepted up to the \$50 limit, there are some gifts that are excluded from the definition of a “gift,” when offered under specific conditions or when prerequisites are met. If the offer of a gift is excluded from the definition of a “gift,” the offer may be accepted by a public official, regardless of value.

The value of gifts that are allowed as exclusions does not have to be included when calculating the aggregate value of gifts received from that source in one calendar year. [ORS 244.020(7)(b)] Although some gifts are allowed by these exclusions, it should be remembered that a source may have a notice requirement or there may be reporting requirements for the public official or the source. If you are a public official accepting gifts or a source offering gifts, it is important that you become familiar with the requirements that may apply to you.

ORS 244.020(7)(b) provides a description of the **GIFTS THAT ARE ALLOWED** as exclusions to the definition of a “gift.” **NOTE:** Not all of these exclusions apply to gifts offered to candidates. These exclusions include:

- Campaign contributions as defined in ORS 260.005. [ORS 244.020(7)(b)(A)]
- Contributions to a legal expense trust fund established under ORS 244.209. [ORS 244.020(7)(b)(G)]
- Gifts from relatives or members of the household of public officials or candidates. [ORS 244.020(7)(b)(B)]
- Anything of economic value received by a public official or candidate, their relatives or members of their household when:

The receiving is part of the usual and customary practice of the person’s business, employment, or volunteer position with any non-profit or for-profit entity; [ORS 244.020(7)(b)(O)(i)] **and**

The receiving bears no relationship to the person’s holding the official position or public office. [ORS 244.020(7)(b)(O)(ii)]

- Unsolicited gifts with a resale value of less than \$25 and in the form of items similar to a token, plaque, trophy and desk or wall mementos. [ORS 244.020(7)(b)(C); OAR199-005-0010]
- Publications, subscriptions or other informational material related to the public official’s duties. [ORS 244.020(7)(b)(D)]
- Waivers or discounts for registration fees or materials related to continuing education or to satisfy a professional licensing requirement for a public official or candidate. [ORS 244.020(7)(b)(J)]

- Entertainment for a public official or candidate and their relatives or members of their households when the entertainment is incidental to the main purpose of the event. [ORS 244.020(7)(b)(M); OAR 199-005-0001; OAR 199-005-0025]
- Entertainment for a public official, a relative of the public official or a member of the public official's household when the public official is acting in an official capacity and representing a government agency for a ceremonial purpose. [ORS 244.020(7)(b)(N); OAR 199-005-0025(2)]
- Cost of admission or food and beverage consumed by the public official, a relative of the public official, a member of the public official's household or staff when they are accompanying the public official, who is representing a government agency, at a reception, meal or meeting held by an organization. [ORS 244.020(7)(b)(E); OAR 199-005-0015; OAR 199-005-0001]
- Food or beverage consumed by a public official or candidate at a reception where the food and beverage is an incidental part of the reception and there was no admission charged. [ORS 244.020(7)(b)(L); OAR 199-005-0001(3)]
- When public officials travel together inside the state to an event bearing a relationship to the office held and the public official appears in an official capacity, a public official may accept the travel related expenses paid by the accompanying public official. [ORS 244.020(7)(b)(K)]
- Payment of reasonable expenses 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 paid expenses for this exception can only be accepted from another government agency, Native American Tribe, an organization to which a public body pays membership dues, or not-for-profit organizations that are tax exempt under 501(c)(3). [ORS 244.020(7)(b)(F); OAR 199-005-0020; OAR 199-005-0001]
- Payment of reasonable food, lodging or travel expenses for a public official, an accompanying relative, member of household, or staff, may be accepted when the public official is representing their government agency at one of the following: [ORS 244.020(7)(b)(H); OAR 199-005-0020; OAR 199-005-0001]
 - Officially sanctioned trade promotion or fact-finding mission; [ORS 244.020(7)(b)(H)(i)] **or**
 - Officially designated negotiation or economic development activity when receipt has been approved in advance. [ORS 244.020(7)(b)(H)(ii)]

[NOTE: Who may officially sanction and officially designate these events, and how to do so, is addressed in OAR 199-005-0020(3)(b).]

- Payment to a public school employee of reasonable expenses for accompanying students on an educational trip. [ORS 244.020(7)(b)(P)]
- Food and beverage when acting in an official capacity in the following circumstances: [ORS 244.020(7)(b)(I)]
 - In association with a financial transaction or business agreement between a government agency and another public body or a private entity, including such actions as a review, approval or execution of documents or closing a borrowing or investment transaction; [ORS 244.020(7)(b)(I)(i)]
 - When the office of the Treasurer is engaged in business related to proposed investment or borrowing; [ORS 244.020(7)(b)(I)(ii)]
 - When the office of the Treasurer is meeting with a governance, advisory or policy making body of an entity in which the Treasurer's office has invested money. [ORS 244.020(7)(b)(I)(iii)]

GIFTS AS AN EXCEPTION TO THE USE OF OFFICE PROHIBITION IN ORS 244.040

As covered in more detail in the discussion beginning on page 17, public officials are prohibited from using or attempting to use the position they hold to obtain a prohibited financial benefit. [ORS 244.040(1)] As covered in more detail in the discussion beginning on page 26, Oregon Government Ethics law does not prohibit public officials from accepting gifts, but it does place on each individual public official the personal responsibility to understand there are circumstances when the aggregate value of gifts may be restricted. [ORS 244.025] These provisions of Oregon Government Ethics law often converge and require analysis by public officials to determine whether the opportunity to obtain financial benefits represents the use of an official position prohibited by ORS 244.040(1) or a gift addressed with other provisions in ORS Chapter 244 [ORS 244.020(7), ORS 244.025 or ORS 244.040(2)(e),(f) and (g)].



ORS 244.040 was amended in 2007 to make the acceptance of gifts that comply with ORS 244.020(7) and ORS 244.025 exceptions to the prohibition on public officials' use or attempted use of an official position to gain financial benefits. [ORS 244.040(2)(e), (f) and (g)] If a public official, relative, or household member accepts a permissible gift or a financial benefit that qualifies as an exception to the definition of a gift, ORS 244.040(1) does **not** prohibit its acceptance. If a public official, relative, or household member accepts a gift that exceeds the restrictions or limitations set forth in ORS 244.025, then that gift would not qualify under the exceptions set forth in ORS 244.040(e), (f) and (g). Acceptance of that gift could constitute a violation of both ORS 244.025 and ORS 244.040(1).

When the Commission applies Oregon Government Ethics law to “something of economic value” offered to a public official that meets the definition of “gift,” it will first be analyzed to determine whether it is a violation of ORS 244.025. If the Commission determines that acceptance of the gift constitutes a violation of ORS 244.025 (unlawful acceptance of a gift), it will then determine if it also constitutes a violation of ORS 244.040(1) (prohibited use of office).

The following are examples to illustrate the Commission’s approach:

- The mayor of a town on the Oregon coast was a college roommate with Bob Smith, who now manages a company that owns many golf courses in Oregon and other states. One of the company’s golf courses is in the mayor’s town. The mayor and

Bob have remained friends ever since college. Recently, Bob invited the mayor to join him at the Masters' Tournament in Augusta, offering to fly him there on Bob's private jet, stay in Bob's condo, and host him at a private booth at the Tournament. The value of this trip exceeds \$50, and Bob has a legislative or administrative interest in the mayor's decisions as a public official, as one of Bob's golf courses is in the mayor's town. Since the value of the trip exceeds \$50, is not extended to others who are not public officials on the same terms and conditions, and is from a source with a legislative or administrative interest, it is a gift that the mayor cannot accept without violating ORS 244.025(1). It also does not qualify as an exception to ORS 244.040(1). [ORS 244.040(2)(e)]. Bob has been inviting his old college friend on this trip for at least 10 years, long before the friend was elected mayor recently. This and other evidence indicates that the mayor received this offer because he and Bob are friends, not because he is the town's mayor; therefore, the offer of this trip does not represent a financial gain that would not be available to the mayor but for his holding his public office. Thus, if the mayor accepted the gift of this trip, the mayor would violate ORS 244.025(1) (acceptance of an unlawful gift), but would not violate ORS 244.040(1) (prohibited use of office).

- A public works director for B City holds weekly breakfast meetings at a local diner. The public works director invites five main contractors in B City, all of whom do business with the city, to attend these meetings. The contractors take turns picking up the tab for the public works director's breakfast. Because the public works director has the authority to recommend the contractors for projects with the city, the contractors have economic interests distinct from that of the general public in the public works directors' decisions or recommendations. Over the course of a calendar year, each contractor pays for at least ten meals for the public works director, at a total aggregate cost exceeding \$50. These meals constitute unlawful gifts to the public works director, as their value exceeds \$50, they are not extended to others who are not public officials on the same terms and conditions, and they are from sources with distinct economic interests in the public works director's decisions or recommendations. The contractors would not pay for these meals if he were not the public works director. Thus, in addition to violating ORS 244.025(1), by accepting these meals the public works director also violates ORS 244.040(1).

The responsibility for judgments and decisions made in order to comply with the various provisions in Oregon Government Ethics law rests with the individual public official who faces the circumstances that require a judgment or decision. That is true of questions regarding gifts, use of an official position, announcing the nature of conflicts of interest and the many situations addressed in ORS Chapter 244.

NEPOTISM



Does Oregon Government Ethics law prevent two or more relatives from being employees of the same public body?

No. Public officials who are relatives can be employed by the same public body employer at the same time, or serve at the same time on the same governing body of a public body.

ORS Chapter 244 does, however, does address the issue of “nepotism.” The definitions of “member of household” and “relative” found in ORS Chapters 244.020(11) and 244.020(16) apply here: See page 7.

What are the provisions that address nepotism?

Public officials are restricted from participating in personnel actions taken by the public agency that would impact the *paid employment* of a relative or member of the public official’s household. If a public official has a relative or household member who has applied to be or serves as an *unpaid volunteer*, the public official may participate in any personnel action that involves the relative or member of the household.

Personnel actions addressed by this statute include:

- Appointing, employing or promoting a relative or member of the public official’s household; or
- Discharging, firing or demoting a relative or member of the public official’s household.

ORS 244.177(1)(a) provides that a public official may not appoint, employ or promote (or discharge, fire or demote) a relative or member of their household from a position with the public body that the public official serves or over which the public official exercises jurisdiction or control, unless the public official complies with the conflict of interest requirements of ORS Chapter 244. Even if the public official discloses a conflict of interest, a public official who takes such a personnel action for a relative or member of their household could still be found in violation of the use of office provisions of ORS 244.040(1).

Separately, ORS 244.177(1)(b) directs that a public official may not participate in any interview, discussion or debate regarding such personnel actions involving a relative or member of the public official’s household.

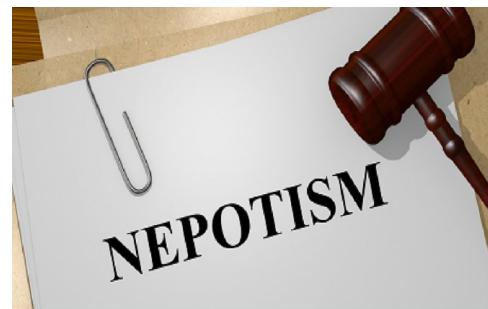
A public official who is assigned duties that include performing “ministerial acts” related

to any stage of a relative's employment is not prohibited from performing such acts. "Ministerial acts" would include mailing or filing forms or correspondence, taking and relaying messages, scheduling appointments or preparing documents and minutes for public meetings. A public official may serve as a reference or provide a recommendation for a relative who has applied for a position of employment, promotion, or is subject to any personnel action.

Exception: Public officials may not, however, participate in appointing a relative or member of the household to an unpaid position on the governing body of the public body that the public official serves or over which the public official exercises jurisdiction or control. [ORS 244.177(3)(a) and (b)]

Can public officials supervise their relatives or members of their households?

Nepotism also applies to supervision of relatives or members of the public official's household. ORS 244.179(1) prohibits public officials from directly supervising relatives or members of their household in paid positions. The public official may supervise an unpaid volunteer serving the public body, unless the volunteer position is as a member of a governing body of the public body. [ORS 244.179(3)]



Policy Exception: ORS 244.179(4) permits a public body to adopt policies that specify when a public official, acting in an official capacity for the public body, may directly supervise a relative or member of the public official's household in a paid position. OAR 199-005-0080 provides guidance to public bodies in developing such policies. Absent such a policy, a public official may not directly supervise a remunerated person who is a relative or member of the public official's household. [ORS 244.179(1)]

Direct supervision of a paid relative or household member includes official actions that would financially impact their relative or household member, such as:

- Conducting performance reviews
- Approving leave or vacation time
- Recommending or approving pay changes
- Assigning shifts
- Approving overtime
- Authorizing or approving reimbursements or travel expenses
- Authorizing worksite assignments or teleworking

Exception: 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 [ORS 244.177(2)].

ANNUAL VERIFIED STATEMENT OF ECONOMIC INTEREST



There are approximately 5,500 Oregon public officials who must file an **Annual Verified Statement of Economic Interest (SEI)** with the Oregon Government Ethics Commission **by April 15** of each calendar year. The SEIs are now filed electronically through the Commission's Electronic Filing System (EFS).

ORS 244.050 identifies the public officials who are required to file SEIs. Please refer to that statute to see if your specific office or position requires you to file an SEI. In general, public officials who hold the following positions are required to file:

- State public officials who hold elected or appointed executive, legislative or judicial positions. This includes those who have been appointed to positions on certain boards or commissions.
- In counties, all elected officials, such as commissioners, assessors, surveyors, treasurers and sheriffs must file. 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 must file.
- Administrative and financial officers in school districts, education service districts and community college districts must file.
- Some members of the board of directors for certain special districts must file.
- Candidates for some elected public offices are also required to file.

The Commission staff has identified by jurisdiction the public officials whose position requires them to file the SEI. Each jurisdiction (city, county, executive department, board or commission, etc.) has a person (jurisdictional contact) who acts as the Commission's point of contact for that jurisdiction. [OAR 199-020-0005(1)]

The **jurisdictional contact (JC)** for each jurisdiction has an important role as a liaison between the Commission and the SEI filers in their jurisdiction. It is through the JC that the Commission obtains the current name, address and email address of each public official who is required to file. When there is a change in who holds a position through resignation, appointment or election, the JC periodically updates their jurisdictional records and beginning in January of each year the JC is asked to update and verify the required filers in the EFS system. Any necessary changes or updates in EFS are due by February 15. [OAR 199-020-0005(2)]

As with other provisions in Oregon Government Ethics law, it is each public official's personal responsibility to ensure they comply with the requirement to complete and submit the SEI by April 15. Those public officials who must file an SEI are well served if the JC for their jurisdiction ensures that the Commission has the correct name and email address of the public official. The JC should ensure that each SEI filer has been advised of the reporting requirements. Each filer should also receive information as to the procedures the jurisdiction follows to assist the filer in meeting the SEI filing requirement.

Again, the requirement to file the SEI is the personal responsibility of each public official. Each public official should comply and file timely, as the civil penalties for late filing are \$10 for each of the first 14 days after the filing deadline and \$50 for each day thereafter until the aggregate penalty reaches the maximum of \$5,000. [ORS 244.350(4)(c)]

SEI Filing

NOTE: Only public officials who hold a position that is required to file, and who hold that position on April 15 of the year the SEI is due, must file an SEI.

SEIs are filed online through the Commission's Electronic Filing System (EFS). Notifications and instructions for e-filing will be sent to SEI filers electronically via email addresses initially supplied in EFS by the JC and updated when necessary.

The following is a brief description of the information requested in the SEI electronic filing. The information needed to complete the filing pertains to the previous calendar year.

- Name, address and a brief description of each business in which a position as officer or director was held by the filer or household member. [ORS 244.060(1)]

Name, address and a brief description of each business through which the filer or household member did business. [ORS 244.060(2)]

Name, address, and brief **description** of the **sources** (*not amounts*) of income for the filer and household members that represent 10 percent or more of the annual household income. [ORS 244.060(3)]

Example: An SEI filer resides only with a spouse and their annual household income from the prior year is derived from the spouse's job at Walmart, the spouse's retirement, and the public official's salary as an employee at a public university. The respective "sources" would be: "Walmart", "Social Security" and "XX University"; respective "descriptions" would be "spouse's wages", "spouse's retirement" and "filer's salary".

- Ownership interests held by the filer or household members in real property, **except for their principal residence**, located within the geographic boundaries of the jurisdiction in which the filer holds the position or seeks to hold. [ORS 244.060(4)(a) and (b)] **NOTE: SEI filers who serve statewide and members of the Legislative**

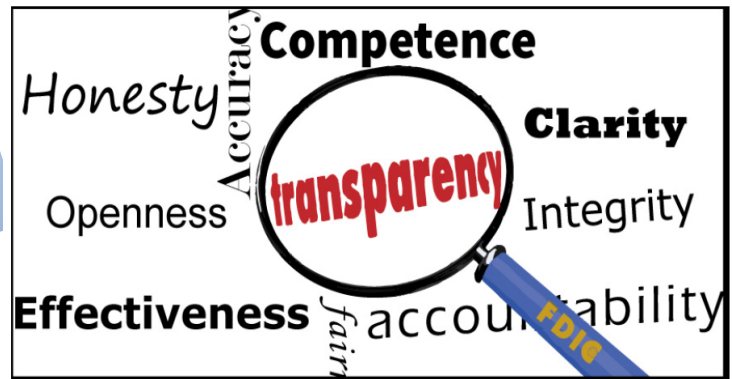
Assembly must report real property held within the entire state of Oregon. This applies to candidates for statewide office and the Legislative Assembly.

- Honoraria or other items allowed by ORS 244.042 that exceed \$15 in value given to the filer or household members. Include a description of the honoraria or item and the date and time of the event when the item was received. [ORS 244.060(7)] Remember that honorarium cannot exceed \$50. [ORS 244.042(3)(a)]
- Name of each lobbyist associated with any business with which the filer or household member is associated, unless the association is through stock held in publicly traded corporations. [ORS 244.090]
- If the public official received over \$50 from an entity when participating in a convention, fact-finding mission, trip, or other meeting as allowed by ORS 244.020(7)(b)(F), list the name and address of the entity that paid the expenses. Include the event date, aggregate expenses paid and the purpose for participation. [ORS 244.060(5) and ORS 244.100(1)] [Not required for candidates]
- If the public official received over \$50 from an entity when participating in a trade promotion, fact-finding mission, negotiations or economic development activities as allowed by ORS 244.020(7)(b)(H), list the name and address of the person that paid the expenses. Include the event date, aggregate expenses paid and nature of the event. [ORS 244.060(6)] [Not required for candidates]
 - **EXCEPTION:** Expenses paid by the public body to their own public officials need not be reported by the public official under ORS 244.060 [OAR 199-005-0035(4)].

The following is required if the information requested relates to an individual or business that has been doing, is doing or could reasonably be expected to do business with the filer's governmental jurisdiction, has a legislative or administrative interest in the filer's governmental jurisdiction, or over which the filer exercises any authority:

- Name, address and description of each source of income (taxable or not) that exceeds \$1,000 for the filer or a household member. [ORS 244.060(8)]
- Name of each person the filer or a household member owes or has owed \$1,000 or more in the previous calendar year. Include the date of the loan and the interest rate. Debts on retail contracts or with regulated financial institutions are excluded. [ORS 244.070(1)]
- Name, address and description of nature of each business in which filer or household member has beneficial interest over \$1,000 or investment held in stocks or securities over \$1,000. Exemptions include mutual funds, blind trusts, deposits in financial institutions, credit union shares and the cash value of life insurance policies. [ORS 244.070(2)]

- Name of each person from whom the filer received a fee of over \$1,000 for services, unless disclosure is prohibited by law or a professional code of ethics. [ORS 244.070(3)]



LEGAL EXPENSE TRUST FUND

The Oregon Government Ethics Commission can authorize a public official to establish a legal expense trust fund to be used to defray expenses incurred for a legal defense in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of duties of the person as a public official. [ORS 244.205]

The provisions regarding the establishment of this fund are detailed in ORS 244.205 through ORS 244.221. If a public official is considering the need to establish a legal expense trust fund, these provisions should be reviewed. The Commission staff is available to provide guidance on the procedures. The following are some of the significant elements of a legal expense trust fund:

- A public official may only have one trust fund at any one time. [ORS 244.205(4)]
- The application to establish the fund must be submitted to the Commission for review and authorization. ORS 244.209 details what information and documents must accompany the application.
- The public official may act as the public official's fund trustee. [ORS 244.211(2)]
- Once authorized and established, any person may contribute to the fund. [ORS 244.213(1)]
- Contributions from a principal campaign committee are not allowed. [ORS 244.213(3)]
- Funds must be maintained in a single exclusive account [ORS 244.215].
- Quarterly reports of contributions and expenditures from the fund are required. [ORS 244.217]
- The fund may be terminated within six months after the legal proceeding for which the fund was established has been concluded. [ORS 244.219]
- When terminated, remaining funds must be returned to contributors on a pro rata basis. [ORS 244.221(1)]
- If the legal proceeding for which the fund was initiated resulted in any financial award or money judgment in favor of the public official, such moneys shall be distributed in the following order: outstanding legal expenses, to trust fund contributors on a pro rata basis, and to the public official or, if required by the trust agreement, to an organization exempt from taxation under section 501(c)(3) of the IRS Code. [ORS 244.221(2)]

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

Yes. An exception to the prohibited use of office provision explicitly allows a public official to solicit and accept funds for the official's legal expense trust fund. [ORS 244.040(2)(h)] Also, contributions to a legal expense trust fund are excluded from the definition of a "gift." [ORS 244.020(7)(b)(G)]

OREGON GOVERNMENT ETHICS COMMISSION

The Governor appoints all nine members of the Commission and each appointee is confirmed by the Senate. The commissioners are recommended as follows: [ORS 244.250]

- 2 Recommended by the Senate Democratic leadership
- 2 Recommended by the Senate Republican leadership
- 2 Recommended by the House Democratic leadership
- 2 Recommended by the House Republican leadership
- 1 Recommended by the Governor

The Commission members select a chairperson and vice chairperson annually. No more than three commissioners with the same political party affiliation may be appointed to the Commission to serve at the same time. The commissioners are limited to one four-year term, but if an appointee fills an unfinished term they can be reappointed to a subsequent four year term.

The Commission is administered by an executive director, who is selected by the Commission. Legal counsel is provided by the Oregon Department of Justice. Commission staff provide administration, training, guidance, issue written opinions and advice, and conduct investigations when complaints are filed with the Commission.

Training:

The Commission has designated training as one of its highest priorities. It has two staff positions to provide free training to public officials and lobbyists on the laws and regulations under its jurisdiction. Training is provided through presentations at training events, web-based training, informational links on the website, topical handouts and guidance offered when inquiries are received. Contact the Commission to obtain free training through our website at <https://www.oregon.gov/ogec/training/Pages/default.aspx>



Advice:



Questions regarding the Commission’s laws, regulations and procedures are a welcome daily occurrence. Timely and accurate answers are a primary objective of the staff. All members of the Commission staff are cross-trained in the laws and regulations under the Commission’s jurisdictions. Guidance and information is

provided either informally, over the telephone at 503-378-5105, by e-mail at ogec.mail@oregon.gov, or in the following written formal advice and opinions:

- **Staff Advice:** ORS 244.284 provides for informal staff advice, which may be offered in several forms, such as in person, by telephone, e-mail or letter. In a letter of advice, the proposed, hypothetical or actual facts are restated as presented in

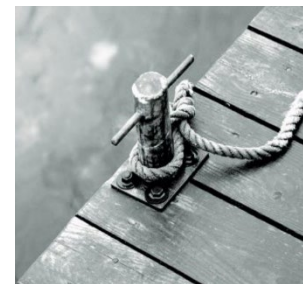
the request, along with the relevant statutes and administrative rules. The advice will discuss how the law applies to the questions asked or raised by the fact circumstances presented in the request.

- **Staff Advisory Opinion:** ORS 244.282 authorizes the executive director to issue a staff advisory opinion upon receipt of a written request. The Commission must respond to any request for a staff advisory opinion within 30 days, unless the executive director extends the deadline by an additional 30 days. The staff advisory opinion is issued in a letter that restates the proposed, hypothetical or actual facts presented in the written request and identifies the relevant statutes and administrative rules. The opinion will discuss how the law applies to the questions asked or raised by the fact circumstances presented in the request.
- **Commission Advisory Opinion:** ORS 244.280 authorizes the Commission to prepare and adopt by vote a Commission Advisory Opinion. Commission advisory opinions are reviewed by legal counsel before being adopted by the Commissioners. The opinion will identify the relevant statutes and administrative rules and will discuss how the law applies to the questions asked or raised by the fact circumstances provided in the request. The Commission must respond to any request for a Commission Advisory Opinion within 60 days, unless the Commission extends the deadline by an additional 60 days.

Public officials who request advice or formal opinions must describe the specific facts and circumstances that provide the basis for questions about how the Oregon Government Ethics law may apply. The facts and circumstances may be hypothetical or actual, but must be prospective, describing a proposed transaction or action, not one that has already occurred. If actual circumstances indicate that a violation may have already occurred, the staff cannot provide advice or an opinion because to do so could compromise the Commission's objectivity if a complaint were to be filed. As described below, whether a public official relied on Commission advice or opinions is relevant to sanctions, in the event a complaint is filed against the public official.

If a person requests, receives or relies on any of the advice or opinions authorized by ORS 244.280 through ORS 244.284, does that person have what is referred to as “safe harbor”?

There is no “safe harbor,” if the term is understood to mean that any person who relies on any advice or opinions offered by the Commission or the staff is protected from being a respondent to a complaint or from being found in violation of laws within the jurisdiction of the Commission.



There is, however, specific and conditional protection for any person who has requested and relied in good faith upon advice or an opinion from the Commission or its staff. The conditions and protection is as follows:

- The fact circumstances described in the request must not misrepresent, misstate or omit material facts.
- Reliance on the advice or opinion means that the action or transactions of the person were those described or suggested in the advice or opinion.
- The protection applies only during the penalty phase, after the Commission has determined that a violation has occurred. If there was reliance on staff advice or a Staff Advisory Opinion, the Commission may consider the reliance during the penalty phase. If reliance was on a Commission Advisory Opinion, the Commission may not impose a penalty.

The specific protections for the different forms of advice are as follows:

Staff Advice: If the Commission makes a finding that a public official violated provisions of law within its jurisdiction, and that public official acted in accordance with staff advice offered under the authority of ORS 244.284, the Commission may consider that information when sanctioning the violation. [ORS 244.284(2)] The Commission is not prevented from finding a violation, but the sanction imposed could be affected.

Staff Advisory Opinion: If the Commission determines that a public official violated provisions of law within its jurisdiction, and the public official acted in accordance with a staff advisory opinion under the authority of ORS 244.282, in sanctioning the violation, the Commission may consider whether the public official committed the violation when acting in reliance on the staff advisory opinion. [ORS 244.282(3)] The Commission is not prevented from finding a violation in these circumstances, but any sanction is limited to issuing a written letter of reprimand, explanation, or education, unless it finds that the person omitted or misstated material facts in the request for a staff advisory opinion.

Commission Advisory Opinion: The Commission may not impose a penalty on a person for any good faith action taken by the person while relying on a Commission Advisory Opinion, unless it is determined that the person who requested the opinion omitted or misstated material facts in the opinion request. [ORS 244.280(3)] For the Commission Advisory Opinion to be a factor in preventing the imposition of a penalty, it is important to understand that the circumstances described in the request must have been an accurate description of what occurred when the respondent committed the violation, and the actions of the respondent must have been those recommended or described in the Commission Advisory Opinion. The Commission is not prevented from finding a violation in these circumstances, but could be prevented from imposing a sanction.

Any person who has not requested advice or an opinion must be cautious when trying to apply advice or opinions offered to others. The advice and opinions given are based on and tailored to the specific fact circumstances presented in a request. Fact circumstances

vary from one situation to another and they vary from one public official to another. If a person reviews an opinion or advice issued to another for circumstances the person believes similar to those now met and relies on that advice, the person must ensure the similarity is sufficient for the application of law to be the same.

It is important to remember that the provisions of law apply to the individual actions of the person or public official. There are events or occasions when more than one public official may be present and participating in their official capacities. Depending on the circumstances and conditions for an event or transaction, the law may have a different application for one public official than for other public officials.

Published advice that the Commission has issued may be found at <https://www.oregon.gov/oqec/public-records/Pages/Advice-and-Opinions.aspx>



Compliance:

The Commission has a program manager who oversees the management and administration of the various reports that are filed with the Commission. There are approximately 1,000 lobbyists who must file or renew their lobbying registrations every two years. These lobbyists, and their clients or employers, must also file lobbying activity expense reports every quarter. Additionally, there are approximately 5,500 public officials who must file the Annual Verified Statement of Economic Interest each April 15. The program manager and Commission staff are available by telephone or e-mail to provide assistance and answer questions about registration and filing requirements and procedures.

Complaint Review Procedures:

Investigations are initiated through a complaint procedure. [ORS 244.260 and ORS 171.778] Any person may file a signed, written complaint alleging that there may have been a violation of Oregon Government Ethics law, Lobbying Regulation or the executive session provisions of Oregon Public Meetings law. The complaint must identify the public official believed to have violated the law, and must state the person's reason for believing that a violation may have occurred and include any evidence that supports that belief. The complaint must identify and be signed by the person filing it. Anonymous complaints are not accepted. The executive director reviews the complaint for jurisdiction and sufficiency. If additional information is needed, the complainant is asked to provide that information.

Complaints are filed online via the “Complaint Form” found on the Commission’s website homepage at <https://www.oregon.gov/ogec/public-records/Pages/Complaints.aspx>. All complaints must be signed, either through an e-signature if submitted through the online complaint system, or an inked signature if filed by paper. NOTE: The name of the complainant is furnished to the subject of a complaint.

If there is reason to believe that a violation of laws within the jurisdiction of the Commission may have been committed, a case will be initiated upon receipt of a complaint. The Commission may also initiate a case on its own complaint by motion and vote. Before approving such a motion, the public official against whom the action may be taken is notified and given an opportunity to appear before the Commission at the meeting when the matter is discussed or acted upon.

When a case is initiated, the public official against whom the allegations are made is referred to as the respondent. The respondent is notified of the complaint and provided with the information received in the complaint and the identity of the complainant. Whether based on a complaint or a motion by the Commission, the initial stage of the case is called the preliminary review phase. The time allowed for this phase is limited to 30 days (135 days for lobby cases) and ends when the executive director finalizes the preliminary review report.

A court may enjoin the Commission from continuing its inquiry during the preliminary review phase. Also, if a complaint is made against a candidate within 61 days of an election, the candidate may make a written request for a delay. [ORS 244.260(4)(a)]

During the preliminary review phase, the Commissioners and staff can make no public comment on the matter other than to acknowledge receipt of the complaint. It is maintained as a confidential matter until the Commission meets in executive session to consider whether to dismiss the complaint or find cause to conduct an investigation. Following the Commission’s consideration of the preliminary review report in executive session, the case file is subject to public disclosure.

If the Commission votes to dismiss the complaint, the matter is concluded and both the respondent and complainant are notified. If cause is found to investigate, then an investigatory phase begins. The investigatory phase is limited to 180 days. The investigatory phase may be suspended during a pending criminal investigation if the Commission determines that its own investigation cannot be adequately completed until the criminal investigation is complete, or if a court enjoins the Commission from investigation.

During the investigatory phase, Commission investigators will solicit information and documents from the complainant, respondent, and other witnesses and sources that are identified. Before the end of the 180 day investigatory period, an investigation report will be prepared. The investigation report is reviewed by the Commission’s legal counsel before being finalized by the executive director. The investigation report is presented to the Commission in the public session portion of its meeting. The Commission will then

consider the results of the investigation and generally will vote to either dismiss the complaint or make a preliminary finding that a violation of law was committed by the respondent. The preliminary finding of a violation is based on what the Commission considers to be a preponderance of evidence sufficient to support such a finding.

If a preliminary finding of violation is made, the respondent will be offered the opportunity to request a contested case hearing. At any time, either during the investigative phase or after a preliminary finding of violation is made, the respondent is encouraged to negotiate a settlement with the executive director, who represents the Commission in such negotiations. Most cases before the Commission are resolved through a negotiated settlement, with the terms of the agreement set forth in a Stipulated Final Order.

The Commission has a variety of sanctions available after making a finding that a violation occurred. Sanctions range from letters of education, reprimand, or explanation, to civil penalties and forfeitures. The maximum civil penalty that can be imposed for each violation of Oregon Government Ethics law is \$5,000, except for violations of ORS 244.045 (regulation of subsequent employment) where the maximum penalty is \$25,000 and for “willful” violations of ORS 244.040 (the “prohibited use of position or office” provision) where the maximum penalty is \$10,000. An additional civil penalty may be assessed equal to twice the financial gain that a respondent realized from a violation. Each violation of the executive session provisions in ORS 192.660 is subject to a maximum fine of \$1,000. Any monetary sanctions paid are deposited into the State of Oregon General Fund.

INDEX

A

Actual conflict of interest	11, 13, 14
Administrative interest	26, 27, 28, 29, 34, 39
Advisory Opinion, Commission	43, 44
Advisory Opinion, Staff.....	43, 44
Annual Verified Statement of Economic Interest (SEI).....	10, 37, 45
Attorney General	2, 6, 12, 20, 23
Awards for professional achievement.....	21

B

Beverage.....	31, 32
Boards, members of	5, 7, 13, 37
Business.....	8, 9, 14, 15, 17, 18, 22, 25, 28, 30, 38, 39
Business agreement.....	32
Business, associated.....	4, 8, 9, 10, 11, 12, 13, 14, 17, 22, 40

C

Candidates	7, 8, 19, 20, 26, 27, 30, 31, 37, 39, 46
Campaign contributions.....	3, 30
Ceremonial.....	31
Class exception	14
Client, Representation of.....	18
Commission Advisory Opinion	43, 44
Commissions, members of.....	7, 13, 37, 42
Compensation package.....	8, 19
Complaint process.....	42, 43, 45, 46, 47
Confidential information.....	18, 22,23,24,46
Conflict of interest.....	4, 7, 8, 11, 12, 13, 14, 15, 16, 18, 35
Conflict of interest, exceptions	13, 14, 15
Contested case hearing	47
Continuing education.....	30

D

Decision	4, 11, 12, 13, 15, 26, 27, 28, 29, 34
Department of Consumer and Business Services	23
Department of Justice.....	23
Department of State Police	24
Division of Financial Regulation	23

E

Economic development.....	31, 39
Economic interest.....	3, 4, 10, 27, 28, 34, 37, 45, 48
Education, continuing	30
Educational trip	32

Employment, subsequent.....	23, 24, 47
Employment, of a relative.....	4, 7, 8, 9, 10, 11, 13, 17, 35, 36
Employers of lobbyists	2, 29
Entertainment.....	2, 31
Entertainment, ceremonial purposes.....	31
Entertainment, incidental.....	31
Exceptions, conflict of interest.....	13, 14, 15
Executive session.....	2, 45, 46, 47

F

Fact-finding mission	31, 39
Fee, appearance for.....	18
Financial detriment, personal	17, 19
Financial gain, use of office.....	4, 17, 18, 28, 34, 47
Financial transaction	32
First Partner	6, 20
Food and beverage	31, 32
Forfeiture.....	47

G

Gift.....	3, 4, 7, 21, 26, 27, 28, 29, 30, 33, 34, 41
Gifts allowed as exclusions	29, 30, 31, 32, 33, 34
Governor	6, 20, 29, 42

H

Honoraria or honorarium	20, 21, 29, 39
Household.....	3, 4, 7, 8, 9, 10, 17, 19, 22, 26, 30, 31, 33, 35, 36, 38, 39

I

Incidental.....	31
Investigation, Investigative Phase	41, 42, 45, 46, 47

J

Judges.....	12, 37
Jurisdictional Contact	37
Jurisdiction	2, 3, 35, 36, 37, 38, 39, 42, 43, 44, 45, 46

L

Legal Expense Trust Fund	21, 30, 41
Legislative or administrative interest	26, 27, 28, 29, 34, 39
Legislative Assembly.....	12, 25, 29, 36, 38, 39
Letter of advice.....	42
Letter of reprimand, education, or explanation	44, 47
Lobbyist.....	2, 24, 29, 39, 42, 45
Lodging	2, 15, 31

<u>M</u>	
Member of household.....	31, 35
Ministerial acts	35, 36

<u>N</u>	
Native American tribal gaming	24
Native American Tribe.....	24, 31
Negotiation	24, 31, 39, 47
Nepotism	7, 35, 36
Non-Disclosure Agreement	19
Non-profit	15, 30

<u>O</u>	
Official capacity	25, 31, 32, 36
Official duties.....	20
Officially designated	31
Officially sanctioned	31
Oregon Investment Council.....	24
Oregon Liquor Control Commission	23
Oregon State Lottery	24

<u>P</u>	
Penalty	38, 44, 47
Plaque	30
Potential conflict of interest	4, 11, 13, 16
Preliminary Review Phase	46
Private employment.....	22
Professional achievement, awards for.....	21
Public office.....	4, 19, 30, 34, 37
Public Official who invested public funds.....	24
Public Utility Commission	23
Publications	2, 30

<u>R</u>	
Reception	31
Reimbursement of expenses.....	19, 20, 36
Relative	3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 22, 26, 30, 31, 33, 35, 36
Representative	18, 23, 25
Representing government agency	24, 31

<u>S</u>	
Safe Harbor	43
SEI, Annual Verified Statement of Economic Interest	10, 37, 38
Senator.....	25
Source.....	2, 10, 22, 26, 27, 28, 29, 30, 34, 38, 39, 46

Speak, Speaking	20, 31
Staff advice	42, 44
Staff Advisory Opinion.....	43, 44
State Police, Department of	24
Stipulated Final Order	47
Subscriptions.....	30
Subsequent employment.....	23, 24, 47

I

Trade promotion.....	31, 39
Training	5, 18, 42
Travel expenses, paid	31, 36
Treasurer, State	20, 23, 24, 32, 37
Treasurer, Chief Deputy	23
Trophy, unsolicited	30

U

Use of office or position.....	7, 13, 17, 21, 33, 34, 35, 41, 47
--------------------------------	-----------------------------------

V

Volunteers	3, 6, 7, 12, 17, 22, 30, 35, 36
Vote.....	2, 13, 14, 18, 26, 27, 28, 29, 30, 43, 46, 47

W

Website, Oregon Government Ethics Commission	2, 5, 13, 42, 46
--	------------------

ADMINISTRATIVE ACTIONS
Reported 3/26/2026
through 5/20/2026

REVOCATIONS

None.

SUSPENSIONS

None.

REPRIMANDS

Bradley, Jason C, Broker B.201230931, Default Final Order dated April 7, 2026, issuing a reprimand.

Heil, Beverly J, Property Manager PM.200701053, Stipulated Order dated April 23, 2026, issuing a reprimand.

Affield, Michelle A, Broker B.201224125, Stipulated Order dated May 5, 2026, issuing a reprimand.

Breen, Timothy J, Principal Broker PB.910400313, Stipulated Order dated May 6, 2026, issuing a reprimand.

CIVIL PENALTIES

Expired — Late Renewal civil penalties are computed using each 30-day period as a single offense. The civil penalty for the first 30-day period can range from \$100-\$500, with each subsequent 30-day period ranging from \$500-\$1,000. ORS 696.990

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
JASON CHARLES BRADLEY) FINAL ORDER BY DEFAULT

PROCEDURAL HISTORY AND PROCEDURAL LAW

1.

1.1 On February 19, 2026, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Reprimand* the real estate broker license of Jason Bradley (Bradley). The Oregon Real Estate Agency (Agency) sent the *Notice of Intent to Reprimand* to Bradley’s last known address of record with the Agency (62925 NE Nolan St, Bend, OR 97701). The *Notice of Intent to Reprimand* was also mailed to Bradley by regular first-class mail to the above address in a handwritten envelope. And *The Notice of Intent to Reprimand* was emailed to Bradley at his email address of record.

1.2 The email was not returned as undeliverable.

1.3 On February 25, 2026, the certified mailing and first-class mailings were returned to the Agency as undeliverable. Over twenty days (20 days) have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received by the Agency.

2.

Based upon the foregoing, and upon the Agency’s investigation reports, documents and files that, pursuant to Section 9 of the *Notice of Intent*, automatically become part of the evidentiary record of this disciplinary action upon default (for the purpose of proving a prima facie case (ORS 183.417(4)), the Real Estate Commissioner finds:

2.1 A notice of intent is properly served when deposited in the United States mail, registered or certified mail, and addressed to the real estate licensee at the licensee's last known address of record with OREA. (ORS 183.415(2); OAR 137-003-0505; OAR 863-001-0006. If correctly addressed, such a notice is effective even though it is not received by the person to be notified. *Stroh v. SAIF*, 261 OR 117, 492 P2d 472 (1972) (footnote 3 in this case misquotes the cited treatise and contradicts the text of the opinion; treatise and cited case law support the proposition stated in the text.) Also, notice is effective even though the addressee fails or refuses to respond to a postal service "mail arrival notice" that indicates that certified or registered mail is being held at the post office. See *State v. DeMello*, 300 Or App 590, 716 P2d 732 (1986) (discussing use of certified mail to effectuate notice of driver's license suspension under ORS 482.570). See also *El Rio Nilo, LLC v. OLCC*, 240 Or App 362, 246 P3d 508 (2011) (Notice by certified mail effective even though addressee did not pick up in time to file request for hearing timely).(Oregon Attorney General's Administrative Law Manual and Uniform Model Rules Of Procedure Under the Administrative Procedures 2019 Edition at pages 97-98.

2.2 Bradley's last known address of record with the Agency was 62925 NE Nolan St, Bend, OR 97701.

2.3 A certified mailing of the *Notice of Intent to Reprimand* was mailed to Bradley at his last known address of record on February 19, 2026. The certified mailing of the notice was returned to the Agency as undelivered.

2.4 The notice was also mailed regular first-class mail in a handwritten envelope to the above address for Bradley. The mailings in the handwritten envelope was returned to OREA. The OAH Rules contain a rebuttable presumption that documents sent by regular mail are received by the addressee. ORS 137-003-0520(10). If the regularly mailed notice is actually received, it is effective on the date received, rather than the date of mailing.

2.5 Over twenty (20) days have elapsed since the mailing of the notice and no written request for a hearing has been received.

2.6 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a real estate license, whether by operation of law, order of the Real Estate Commissioner or decision of a court of law, or the inactive status of the license, or voluntary surrender of the

license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee; (3) Take action against a licensee, including assessment of a civil penalty against the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or revoking a license.

2.7 As noted in section 9 of the *Notice of Intent to Reprimand*, and section 2 above, the Agency's entire investigation file was designated as the record for purposes of presenting a prima facie case upon default, including submissions from Bradley and all information in the administrative file relating to the mailing of notices and any responses received.

FINDINGS OF FACT

3.

3.1 On August 29, 2025, Bradley submitted a renewal application to the Agency for his broker license.

3.2 On his renewal application, Bradley answered "Yes" to a question that reads: "At any time during the past 24 months or since your last renewal, have you been convicted of any felony or misdemeanor criminal offense? "Convicted" includes a guilty or "no contest" plea, verdict of guilty by a judge or jury, or a forfeiture of bail. All convictions must be disclosed, even if they were later dismissed or a diversion program completed. Include major traffic violations, such as DUII, reckless driving, or driving while suspended or uninsured."

3.3 Bradley wrote, "DUI October 2023 – Deschutes County – My car was not moving and no damage was caused. Went through Diversion."

3.4 A review of Oregon eCourt Case Information (OECI) showed Bradley pleaded guilty on October 19, 2023, and entered into a diversion program.

3.5 On April 23, 2025, a notice of non-compliance was issued against Bradley which identified that he failed to complete diversion.

3.6 On September 25, 2025, Notice of Security Forfeiture was issued in which Bradley's bail funds were declared forfeit.

STATEMENT OF LAW APPLICABLE TO FINDINGS OF FACT

4.

4.1 ORS 696.301(3) states a real estate licensee's real estate license may be disciplined if they have: ORS 696.301(3) which states a real estate licensee's real estate license may be disciplined if they have: (3) disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency

4.2 ORS 696.301(11) states a licensee's real estate license can be disciplined if they have been convicted of a felony or misdemeanor substantially related to the real estate licensee's trustworthiness or competence to engage in professional real estate activity,

4.3 ORS 696.301(14) states a licensee's real estate license can be disciplined if they have committed an act of fraud or engage in dishonest conduct substantially related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.

4.4 OAR 863-015-0175(1)(a)(3)(4) states a real estate licensee must notify the Commissioner of the following: (a) any criminal conviction (felony or misdemeanor), including a "no-contest" plea or bail forfeiture; (3) the notification required by this rule must be in writing and must include a brief description of the circumstances involved, the names of the parties, and a copy of the adverse decision, judgment, or award and, in the case of a criminal conviction, a copy of the sentencing order. If any such judgment, award, or decision is appealed, each subsequent appellate court decision is subject to this rule's notification requirements; (4) the notification required by this rule must be made within 20 calendar days after receiving written notification of an adverse judgment, award, or decision described in this rule. Notification must be made under this rule whether or not the decision is appealed.

ULTIMATE FINDINGS OF FACT

5.

- 5.1 Bradley failed to report a criminal conviction to the Agency within 20 days as required.
- 5.2 Bradley failed to report a bail forfeiture to the Agency within 20 days as required.
- 5.3 Bradley included in his license renewal application that he had completed a diversion program as part of a criminal conviction, but court records show that he did not.
- 5.4 In summary, the facts above establish grounds to reprimand Bradley's broker license.

CONCLUSIONS OF LAW

6.

- 6.1 Pursuant to ORS 183.417(4) and OAR 137-003-0670 Bradley is in default.
- 6.2 The material facts establish a violation of a ground for discipline, by preponderance of the evidence, under ORS 696.301 as set forth in the *Notice of Intent to Reprimand*.
- 6.3 Based on these violations, the Agency may reprimand Bradley's broker license.
- 6.4 Specifically, Bradley is subject to discipline pursuant to ORS 696.301(3), (11) and (14) for (3) disregarding or violating any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency; (11) having been convicted of a felony or misdemeanor substantially related to the real estate licensee's trustworthiness or competence to engage in professional real estate activity ; and (14) committing an act of fraud or engaged in dishonest conduct substantially related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.
- 6.5 A reprimand of Bradley's broker license is appropriate for violations of ORS 696.301(3), (11) and (14).

6.6 Based on the evidence in the record, the preponderance of the evidence supports the reprimand of Bradley's broker license.

6.7 The Agency may therefore, Reprimand Bradley's broker license.

6.8 Pursuant to ORS 696.775 the expiration/lapsing of Bradley's license does not prohibit the Commissioner from proceeding with this, or further action.

6.9 The specific violations are repeated here below:

(1) Violation: By failing to report a conviction to the Agency within 20-days as required, Bradley violated ORS 696.301(3) and its implementing rule OAR 863-015-0175(1)(a)(3)(4) 1/1/2025 Edition, which states: a real estate licensee must notify the Commissioner of the following: (a) any criminal conviction (felony or misdemeanor), including a "no-contest" plea or bail forfeiture; (3) the notification required by this rule must be in writing and must include a brief description of the circumstances involved, the names of the parties, and a copy of the adverse decision, judgment, or award and, in the case of a criminal conviction, a copy of the sentencing order. If any such judgment, award, or decision is appealed, each subsequent appellate court decision is subject to this rule's notification requirements; (4) the notification required by this rule must be made within 20 calendar days after receiving written notification of an adverse judgment, award, or decision described in this rule. Notification must be made under this rule whether or not the decision is appealed.

This act is Grounds for Discipline under ORS 696.301(11) 2023 Edition, because licensee: (11) has been convicted of a felony or misdemeanor substantially related to the real estate licensee's trustworthiness or competence to engage in professional real estate activity,

(2) Violation: By failing to report a bail forfeiture to the Agency within 20-days as required, Bradley violated ORS 696.301(3) and its implementing rules OAR 863-015-0175(1)(a)(3)(4) 1/1/2025 Edition, which states: a real estate licensee must notify the Commissioner of the following: (a) any criminal conviction (felony or misdemeanor), including a "no-contest" plea or bail forfeiture; (3) the notification required by this rule must be in writing and must include a brief description of the circumstances involved, the names of the parties, and a copy of the adverse decision, judgment, or award and, in the case of a criminal conviction, a copy of the sentencing order. If any such judgment, award, or decision is appealed, each subsequent appellate court decision is subject to this rule's notification requirements; (4) the notification

required by this rule must be made within 20 calendar days after receiving written notification of an adverse judgment, award, or decision described in this rule. Notification must be made under this rule whether or not the decision is appealed.

(3) Violation: Bradley included in his license renewal application that he had completed a diversion program as part of a criminal conviction, but court records show that he did not. This is Grounds for Discipline under ORS 696.301(14) 2023 Edition, because licensee: (14) committed an act of fraud or engage in dishonest conduct substantially related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.

ORDER

IT IS HEREBY ORDERED Jason Bradley's broker license be reprimanded.

Dated this 7th day of April, 2026.

OREGON REAL ESTATE AGENCY

Signed by:

7D00FC5978644DF...



Anna Higley, Deputy Commissioner on
behalf of Steven Strode, Real Estate
Commissioner

NOTICE OF RIGHT TO APPEAL: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service of

this order. Judicial review is to the Oregon Court of Appeals, pursuant to the provisions of ORS 183.482.

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
BEVERLY JEAN HEIL) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Beverly Heil (Heil) do hereby agree and stipulate to the following:

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Heil was licensed as a property manager acting in the capacity of a sole practitioner and doing business under the registered business name of Daystar Property Management, LLC (DPM).

1.2 On November 7, 2025, DPM was notified by the Agency that their clients' trust account holding owner funds ending in -1485 (CTA #1485) was selected for a reconciliation review. Records for September 2025 were requested.

1.3 The September 2025 Trust Account Reconciliation form was signed and dated November 13, 2025.

(1) Conclusion of Law: By failing to complete the September 2025 reconciliation of CTA #1485 within 30 days of the bank statement, Heil violated ORS 696.301(3) and its implementing rule OAR 863-025-0028(2) 1/1/2025 Edition.

1.4 A review of the Trust Account Reconciliation form showed that the balances of each component did not equal and did not reconcile.

1 1.5 Part I of the Trust Account Reconciliation document noted a balance of
2 \$25,753.12, while Parts II and III noted a balance of \$27,122.26. The Part IV difference was
3 \$1,369.124, with the bank short funds.

4 **(2) Conclusion of Law:** By failing to ensure that each part of the reconciliation equaled to
5 and reconciled to each other, Heil violated ORS 696.301(3) and its implementing rule OAR
6 863-025-0028(2)(b) 1/1/2025 Edition.

7 1.6 Agency Compliance Specialist Helen Wilson (Wilson) requested documentation
8 for the corrective action taken to resolve the noncompliance identified in the Agency review.

9 1.7 Records provided showed that two outstanding disbursements from December
10 2023 to the security deposit account were not transferred until December 2025.

11 1.8 An outstanding deposit from September 30, 2025, to reimburse over-collected
12 management fees of \$35.75, was not reimbursed until December 8, 2025.

13 **(3) Conclusion of Law:** By failing to take corrective action to resolve adjustments made in
14 a reconciliation period prior to the next reconciliation, Heil violated ORS 696.301(3) and its
15 implementing rule OAR 863-025-0028(4) 1/1/2025 Edition.

16 1.9 Wilson received confirmation that six deposits dated September 30, 2025,
17 totaling \$5,545.00, were not deposited until November 4, 2025. An additional deposit dated
18 July 13, 2025, was not deposited until November 14, 2025.

19 **(4) Conclusion of Law:** By failing to deposit funds into the clients' trust account within five
20 banking days, as required, Heil violated ORS 696.301(3) and its implementing rule OAR 863-
21 025-0065(4) 1/1/2025 Edition.

22 1.10 Heil explained that the negative ledger balance were due to numerous things
23 including owner disbursements and overpayments, payment of management fees, and a
24 \$1,000.00 disbursement to Jon Heil/NB Homes for labor.

25 **(5) Conclusion of Law:** By disbursing funds from a clients' trust account when there were
26 not sufficient funds in the corresponding ledger, Heil violated ORS 696.301(3) and its
27 implementing rule OAR 863-025-0027(3) 1/1/2025 Edition.

28 1.11 A review of the Trust Account Balance report showed a negative ledger balance
29 of \$2,569.46, allocated to DPM.
30

1 1.12 Agency Compliance Specialist Jenifer Wetherbee (Wetherbee) requested Heil
2 provide the individual ledger and an explanation of the nature of the negative balance for DPM.

3 1.13 A review of the DPM ledger showed numerous payments to NB Homes and
4 referenced corrections on overpayments in fees to DPM and to Jon Heil.

5 1.14 Heil explained that the negative balance on the DPM ledger as, “the intention of
6 the Corporate ‘property’ was to post bank fees that were indicated on the monthly bank
7 statement. As these fees were reimbursed into the CTA, the offsetting amount would zero out
8 the Corporate property balance. The accumulated bank fee balance was reimbursed on
9 11.17.25.”

10 **(6) Conclusion of Law:** By charging bank fees to a clients’ trust account, Heil violated
11 ORS 696.301(3) and its implementing rule OAR 863-025-0025(5) 1/1/2025 Edition.

12 1.15 Wetherbee identified numerous payments to NB Homes for maintenance, repair,
13 and yard work. A review of the property management agreement for one property included the
14 following, “Manager may, at some future date, form an independent company to provide
15 maintenance services for the Property. Should that occur owner will be advised in advance in
16 writing of applicable fees and rates.”

17 1.16 Wetherbee requested a copy of the advanced written disclosure to the property
18 owner for the use of NB Homes, as well as the September 2025 reconciliation records for CTA
19 ending in 1782 (CTA-SD #1782), which holds security deposits.

20 1.17 Heil provided an undated letter to the property owner with notification of the use
21 of NB Homes. Heil explained that the email to the property owner was sent directly from
22 AppFolio.

23 1.18 Heil confirmed that the property owner was sent a written notice about the use of
24 NB Homes on January 8, 2026.

25 **(7) Conclusion of Law:** By failing to disclose to the property owner the use of a business
26 in which the property manager has a pecuniary interest, Heil violated ORS 696.301(3) and its
27 implementing rule OAR 863-025-0020(2)(i)(j) 1/1/2025 Edition.

28 1.19 Wetherbee asked Heil to provide bank documentation confirming bank fees and
29 the overpayment to Jon Heil were reimbursed on November 17, 2025, as was described on the
30 reconciliation form. Heil provided bank documentation that \$1,147.81 in accumulated bank

1 fees were reimbursed on December 15, 2025, and a \$300.00 erroneous payment made to Jon
2 Heil was reimbursed on January 15, 2026.

3 **(8) Conclusion of Law:** By failing to take corrective action to resolve adjustments made in
4 a reconciliation period prior to the next reconciliation, Heil violated ORS 696.301(3) and its
5 implementing rule OAR 863-025-0028(4) 1/1/2025 Edition.

6 1.20 Heil provided the September 2025 reconciliation and supporting documents for
7 clients' trust account ending in 1782 (CTA-SD #1782), which holds tenant security deposits.

8 1.21 The September 2025 Trust Account Reconciliation form was signed and dated
9 November 26, 2025.

10 **(9) Conclusion of Law:** By failing to complete the September 2025 reconciliation of CTA-
11 SD #1782 within 30 days of the bank statement, Heil violated ORS 696.301(3) and its
12 implementing rule OAR 863-025-0028(3) 1/1/2025 Edition.

13 1.22 A review of the Trust Account Reconciliation form showed that the balances of
14 each component did not equal and did not reconcile.

15 1.23 Part I of the Trust Account Reconciliation document noted a balance of
16 \$51,200.00, while Parts II and III noted a balance of \$44,700.00. The Part IV difference was
17 \$6,500.00, with the bank short funds.

18 1.24 The report that was provided to support Part III of the reconciliation totaled
19 \$45,565.00. In addition, the report noted tenant security deposits that remained in CTA-SD
20 #1782 after the tenants vacated in 2018 and 2021. Corrective action was not taken until
21 December 2025.

22 **(10) Conclusion of Law:** By failing to ensure that each part of the reconciliation equaled to
23 and reconciled to each other, Heil violated ORS 696.301(3) and its implementing rule OAR
24 863-025-0028(3)(b)(4) 1/1/2025 Edition. In addition, by failing to take corrective action to
25 resolve adjustments made in a reconciliation period prior to the next reconciliation, Heil
26 violated ORS 696.301(3) and its implementing rule OAR 863-025-0028(4) 1/1/2025 Edition.

27 1.25 A total of six deposits were outstanding for more than five days.

28 **(11) Conclusion of Law:** By failing to deposit funds into the clients' trust account within five
29 banking days, as required, Heil violated ORS 696.301(3) and its implementing rule OAR 863-
30 025-0065(4) 1/1/2025 Edition.

1 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and
2 understand that the Order which follows hereafter, which I have also read and understand,
3 may be completed and signed by the Real Estate Commissioner or may be rejected by the
4 Real Estate Commissioner. I further understand that, in accordance with the provisions of
5 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News
6 Journal.

7 In addition to all of the above, I agree that once the Commissioner executes this
8 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby
9 waive the right to challenge the validity of service.

10 ///
11 ///
12 ///
13 ///
14 ///
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28
29
30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

ORDER

IT IS HEREBY ORDERED that Beverly Heil's property manager license be reprimanded.

IT IS FURTHER ORDERED that Heil complete the Agency-hosted Property Management and Reconciliation Requirements course within 6 months of the issuance of this order.

IT IS FURTHER ORDERED that due to the violations addressed above, Heil will be subject to a future client's trust account review within 6 months of the issuance of this order.

IT IS SO STIPULATED:

IT IS SO ORDERED:

Signed by:
Beverly Heil
9E40D0D2EAF044F...
BEVERLY HEIL

Signed by:
Steve Strode
E2C2D0097AD8471...
STEVEN STRODE



Date 4/22/2026 | 1:24 PM PDT

Date 4/23/2026 | 8:45 AM PDT

Date of Service: 4/23/2026

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of)
5)
6 MICHELLE ANNE AFFIELD) STIPULATED FINAL ORDER
7)
8 _____)
9

10 The Oregon Real Estate Agency (Agency) and Michelle Affield (Affield) do hereby agree
11 and stipulate to the following:

12 FINDINGS OF FACT
13 AND
14 CONCLUSIONS OF LAW

15 1.

16 1.1 At all times mentioned herein, Affield was licensed as a real estate broker with
17 Realty One Group Prestige.

18 1.2 On October 10, 2025, the Agency received a complaint from Cody Woods
19 (Woods) against Affield. In his complaint, Woods alleged that Affield submitted a Notice of
20 Unconditional Disapproval and Termination Agreement after the 5:00 pm deadline, resulting in
21 the loss of \$5,000.00 in earnest money.

22 1.3 Woods and Lillian Longnecker (Longnecker) signed a purchase and sale
23 agreement (SA #000037388311) for a property located in Sandy, Oregon in September 2025.

24 1.4 Line item 230 in SA#000037388311 includes that the buyers may give notice to
25 the sellers, using OREF 064 – Notice of Buyer’s Unconditional Disapproval, at any time during
26 the inspection period based on any inspection report, in which case all deposits will be
27 promptly refunded, and the transaction will be terminated.

28 1.5 The sellers accepted SA#000037388311 on September 23, 2025, the same day
29 the home and septic inspections were completed. Woods and Longnecker deposited
30 \$5,000.00 earnest money on September 24, 2025.

1 1.6 In response to the complaint, Affield wrote, “The clients’ primary concern
2 centered around their \$2,500 earnest money deposit, which they believed was jeopardized due
3 to a seven-minute delay in the delivery of the Notice of Unconditional Disapproval, which is
4 only supporting documentation to the Termination that had already been sent in a timely
5 manner.”

6 1.7 In text message communication between Woods and Affield from September 29,
7 2025, Woods asked Affield if they have until October 6, 2025, to come to a final deal with the
8 sellers. Affield responded, “You’re correct it’s the 6th. Technically we might even have until the
9 7th, but I prefer to be ahead of deadlines, especially for negotiations so I usually keep things a
10 day early in my head!”

11 1.8 On October 4, 2025, Woods sent a text message to Affield asking if they can or
12 should extend the inspection period as they were waiting to hear from one of the contractors to
13 provide an inspection report. In response, Affield wrote that the contractor was aware of the
14 inspection deadline, and that she had double checked that it was October 7, 2025. Affield
15 included “I don’t anticipate we’ll need an extension, but if we do, I’ll make sure you have the
16 addendum in plenty of time to review and sign!”

17 1.9 Woods and Longnecker signed an Addendum to the Sale Agreement,
18 “Addendum #1 – Inspection Ext.” requesting the inspection deadline be extended to October 8,
19 2025, at 5:00 pm. The document was signed on October 6, 2025, at 4:38 pm and 4:45 pm by
20 both buyers.

21 1.10 A review of communication shows that Woods texted Affield on October 7, 2025,
22 at 10:38 am and again at 1:48 pm, inquiring if the sellers had signed the extension. In her
23 response to Woods, Affield did not inform him that she had not yet sent the addendum to
24 extend.

25 1.11 Email records show that Affield emailed the seller’s broker the Addendum on
26 October 7, 2025, at 3:02 pm.

27 1.12 A review of documents showed that Woods and Longnecker signed a
28 Termination Agreement and a Notice of Buyer’s Unconditional Disapproval on October 7,
29 2025, at 4:21 pm. This document did not include a termination date on Line 12 for the section
30

1 titled "Disapproval Based on Inspection Reports." Affield explained she attempted to enter the
2 termination date, but that change did not save the buyers' signatures on the document.

3 1.13 Affield emailed the Termination Agreement to the seller's broker on October 7,
4 2025, at 4:59 pm, and then forwarded the Notice of Buyers Unconditional Disapproval at 5:07
5 pm.

6 1.14 On October 8, 2025, Principal Broker Greg Pace explained to Woods that the
7 required documents were not executed and delivered appropriately prior to the deadline and
8 according to the contract language, the sellers are entitled to retain the earnest money as
9 damages. Pace also explained that the sellers offered a return of half of the earnest money in
10 a termination agreement.

11 **(1) Conclusion of Law:** By failing to meet a critical deadline associated with a real estate
12 transaction and failing to send timely an executed addendum to extend the transaction on
13 behalf of the buyer, Affield violated ORS 696.301(3) as it incorporates ORS 696.810(5)(b)
14 2025 Edition.

15 **(2) Conclusion of Law:** By failing to disclose to the buyers that an addendum to extend
16 the transaction had not been transmitted, Affield violated ORS 696.301(3) as it incorporates
17 ORS 696.810(5)(a)(c) 2025 Edition.

18 **(3) Conclusion of Law:** Affield did not provide the buyers with an appropriate amount of
19 time to review and sign documents, after assuring them that she would. This is grounds for
20 discipline under ORS 696.301(1) 2025 Edition.

21 **(4) Conclusion of Law:** By failing to exercise licensee duties to the buyers, Affield violated
22 ORS 696.301(3) as it incorporates ORS 696.810(6)(a)(c) 2025 Edition.

23 1.15 All of the above demonstrate incompetence or untrustworthiness in performing
24 acts for which the real estate licensee is required to hold a license and conduct that is below
25 the standard of care for the practice of professional real estate activity in Oregon.

26 **(5) Conclusion of Law:** Based on the foregoing, Affield is subject to discipline under ORS
27 696.301(12) and (15) 2025 Edition

28
29 2.

30 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

ORDER

IT IS HEREBY ORDERED that Michelle Affield's broker license be reprimanded.

IT IS SO STIPULATED:

Michelle Affield
box SIGN 17Z7L93Z-4L8X3W56

MICHELLE AFFIELD

Date May 4, 2026

IT IS SO ORDERED:

Steve Strobe
box SIGN 193X36Y6-46YQ6PJW



STEVEN STRODE

Real Estate Commissioner

Date May 5, 2026

Date of Service: 5/5/2026

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of)
5)
6 TIMOTHY J. BREEN) STIPULATED FINAL ORDER
7)
8)
9

10 The Oregon Real Estate Agency (Agency) and Timothy Breen (Breen) do hereby agree
11 and stipulate to the following:

12 FINDINGS OF FACT
13 AND
14 CONCLUSIONS OF LAW

15 1.

16 1.1 At all times mentioned herein, Breen was licensed as a principal broker with
17 Eugene Commercial Property Management (ECPM).

18 1.2 On August 29, 2025, the Agency received a complaint from Monique Paladeni
19 (Paladeni) against Breen. In her complaint, Paladeni alleged that Breen had been writing
20 checks to himself out of the clients' trust account. Paladeni, who is unlicensed, co-owned
21 ECPM with Breen.

22 1.3 In an interview with Agency Investigator Lindsey Nunes (Nunes), Paladeni
23 explained that in August 2025, Breen wrote a delegation of authority for her to conduct
24 property management activity while he was on vacation.

25 1.4 The delegation of authority, signed by Breen and Paladeni on August 19, 2025,
26 gave Paladeni authority "...to act and execute all duties of a Property Manager in my
27 absence." This included supervision of staff, day-to-day operations, accounting, reconciling all
28 accounts for Paladeni LLC, month-end owner payments, and coordinating emergency
29 services.
30

1 **(1) Conclusion of Law:** By delegating a non-licensed individual the ability to 'act and
2 execute all duties of a property manager' in his absence, Breen violated ORS 696.301(3) and
3 its implementing rule OAR 863-025-0015(5)(a) 1/1/2025 Edition.

4 1.5 A review of a vendor ledger report for the Four Seasons/Westfair Apartments
5 (Westfair) showed Timothy Breen as payee, Breen's vendor ledger report shows that on May
6 23, 2025, a disbursement was made to Breen in the amount of \$7,327.74. "Daniel Payroll
7 reimb" is in the description and it was coded "6352-Maintenance Labor,"

8 1.6 A review of the May 2025 owner ledger for Westfair showed a receipt dated May
9 23, 2025, in the amount of \$7,327.74 from SAIF Insurance. The owner ledger did not include a
10 description of the funds. Also on May 23, 2025, a check in the amount of \$7,327.74 is shown
11 payable to Breen. There is no description of the funds disbursed.

12 1.7 Bank Deposit #9930 from May 23, 2025, showed the check was deposited into
13 clients' trust account ending in -7152 (CTA #7152). The description showed the funds
14 originated from SAIF for Westfair and included the description 'Maint Reimbursement.'

15 1.8 In an interview with Nunes, Breen explained that he should not have deposited
16 the check in the CTA, and that it should have gone into the operating account. Breen further
17 explained that he is an employee of ECPM and part of his job is maintenance and the
18 reimbursement was for work he did. After an employee was injured, Breen explained that he
19 personally filled in and did the maintenance work. Breen said he asked SAIF to get some
20 money back, and this payment should be to his sole benefit.

21 1.9 A review of the owner ledger for Westfair showed numerous instances where the
22 owner ledger's receipts and disbursements did not include a purpose or a description of the
23 funds.

24 1.10 A review of the August 2025 owner ledger for the Greentree Apartments
25 (Greentree) showed a disbursement on August 12, 2025, for \$2,250.00 payable to 'Maverick.'
26 Maverick Real Estate Solutions was Breen's consulting firm. The description included in the
27 owner ledger was shown as 'Consulting/Ins Loss Control.'

28 1.11 The August 2025 bank statement for CTA #7152 showed the check was written
29 as payable to Breen.
30

1 1.12 Breen explained to Nunes that the check for \$2,250.00 was for insurance
2 consulting. Breen further explained that in hindsight he should have deposited the money into
3 the ECPM operating account, but instead he deposited the funds into the CTA and then wrote
4 a check directly to himself. In a later phone call with Nunes, Breen explained that he had
5 written a check to Maverick and deposited the funds into his personal account. Breen provided
6 an invoice for the consulting work he performed for Greentree which included the description,
7 “Consulting fees/Ins, Loss control management.”

8 1.13 A review of the owner ledger for Greentree showed numerous instances where
9 descriptions were missing for the receipt and disbursement funds.

10 **(2) Conclusion of Law:** By failing to maintain a record of receipts and disbursements in
11 the owner ledgers, Breen violated ORS 696.301(3) and its implementing rule OAR 863-025-
12 0055(3)(b)(B)(c)(E) 1/1/2025 Edition.

13 **(3) Conclusion of Law:** By commingling personal funds in a clients’ trust account, Breen
14 violated ORS 696.301(3) and its implementing rule OAR 863-025-0065(6) 1/1/2025 Edition.
15 This act is also a violation of ORS 696.301(3) as it incorporates ORS 696.241(5)(a)(b) 2025
16 Edition.

17 1.14 The vendor ledger report for Greentree showed a check to Breen in the amount
18 of \$826.11 from January 21, 2025. The description was “Reimburse ins payment via visa.”

19 1.15 Breen explained to Nunes that he often pays for insurance and would put it on
20 his credit card. In a follow up email, Breen wrote “As indicated once I have the billing
21 breakdown, and payment information I will be able to determine which credit card was used
22 and if I need to reimburse ECPM for the funds paid to the owner or not.”

23 1.16 The vendor ledger report for a property located on 23rd and Willamette, showed a
24 charge for \$639.00 for a water heater. A copy of the check dated July 26, 2025, showed it was
25 made out to Breen and was written from the clients’ trust account.

26 1.17 Breen explained to Nunes that he could not find the receipt, and that he would
27 reimburse the property.

28 1.18 The vendor ledger report for Westfair showed an August 5, 2025, disbursement
29 to Breen in on the amount of \$3,866.52. The description included was “Appliances.” The owner
30

1 ledger for the property also showed a disbursement to Breen with the same date and dollar
2 amount.

3 1.19 Breen explained that there was flooding at the property that damaged units,
4 including appliances. The billing to the property included two stoves and two refrigerators,
5 totaling \$2,348.00. Breen did not have the receipts for those purchases and told Nunes he will
6 reimburse the property for \$2,348.00.

7 **(4) Conclusion of Law:** By failing to maintain property management records, Breen
8 violated ORS 696.301(3) as it incorporates ORS 696.280(4)(c)(d) 2025 Edition. This act is also
9 a violation of ORS 696.301(3) and its implementing rule OAR 863-025-0035(1)(h)(4) 1/1/2025
10 Edition.

11 **(5) Conclusion of Law:** By failing to maintain a record of receipts and disbursements,
12 Breen violated ORS 696.301(3) and its implementing rule OAR 863-025-0040(8) 1/1/2025
13 Edition.

14 1.20 All of the above demonstrate a failure to uphold affirmative duties to account in a
15 timely manner for all funds received from or on behalf of the owner, and to act in a fiduciary
16 manner in all matters related to trust funds.

17 **(6) Conclusion of Law:** Based on the foregoing, Breen violated ORS 696.301(3) as it
18 incorporates ORS 696.890(4)(a)(c)(e) 2025 Edition.

19 1.21 All of the above demonstrates incompetence or untrustworthiness in performing
20 acts for which the real estate licensee is required to hold a license and conduct that is below
21 the standard of care for the practice of professional real estate activity in Oregon.

22 **(7) Conclusion of Law:** Based on the foregoing, Breen is subject to discipline under ORS
23 696.301(12) and (15) 2025 Edition

24
25 2.

26 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

27 2.2 The Agency reserves the right to investigate and pursue additional complaints
28 that may be received in the future regarding this licensee.

29 2.3 In establishing the violations alleged above, the Agency may rely on one or more
30 of the definitions contained in ORS 696.010.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

ORDER

IT IS HEREBY ORDERED that Timothy Breen’s principal broker license be reprimanded.

IT IS FURTHER ORDERED that due to the violations addressed above, Breen will be subject to a future client’s trust account review within 6 months of the issuance of this order.

IT IS SO STIPULATED:

IT IS SO ORDERED:

Timothy J. Breen
box SIGN 13QP2L9Q-4QL6WYRP

Steve Strode
box SIGN 193X36Y6-4KZ6JRP5



TIMOTHY BREEN

STEVEN STRODE

Real Estate Commissioner

Date May 5, 2026

Date May 6, 2026

Date of Service: 5/6/2026

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
June 1, 2026**

Regulation Division Manager: Elli Kataura

Compliance Specialist 3 (Senior Case Analyst): Meghan Lewis

Financial Investigators (Investigator-Auditors): Lindsey Nunes, Cidia Nañez, Frank Leonard, Dylan Ray,
Megan Donovan

Administrative Specialist 2 (Case Resolution Coordinator): Amanda Moser

Division Overview

The Agency receives complaints and determines if an investigation is appropriate. Open cases are assigned to investigators to gather facts (from interviews and documents), prepare a detailed written report, and submit for Administrative Review. The Senior Case Analysts conducting the Administrative Review work evaluate whether the evidence supports a violation of Agency statutes or administrative rules. When a case finds sufficient cause to sanction a license, the case is elevated to the Commissioner for review. When the Commissioner supports a sanction, the Senior Case Analysts offer a settlement conference to resolve cases without a contested case hearing. If the respondent requests a hearing, the Investigator works with the Assistant Attorney General in preparing for and presenting the case at hearing.

Personnel

No updates or changes.

Workload and Activity Indicators

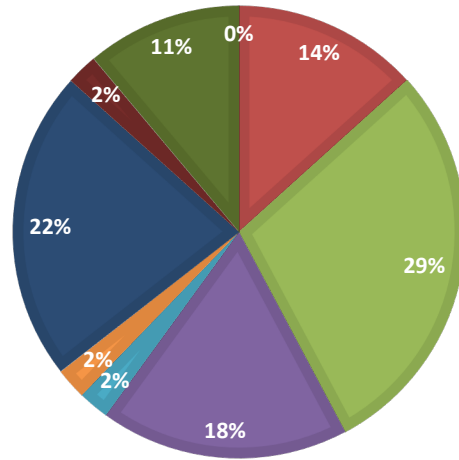
Average # in this status at the time	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>Current 5/13/26</u>
Complaint	10	26	16	36	27
Investigation	26	36	53	21	60
<i>(# of Investigators)</i>	6*	6*	5	5	5
Admin Review	3	2	5	4	2
Settlement Process	5	2	4	3	1

* We had an investigator that was on extended leave for the majority of 2022-2023.

Investigation Resolution 1/1/2026 - 5/20/2026	Total
Limited License	0
Closed No Action	6
ELOA	13
Closed No Violations	8
No Jurisdiction	1
Civil Penalty	1
Reprimand	10
Suspension	1
Revocation	5

INVESTIGATION RESOLUTION 2026 YTD

- Limited License
- Closed No Action
- ELOA
- Closed No Violations
- No Jurisdiction
- Civil Penalty
- Reprimand
- Suspension
- Revocation



**REAL ESTATE BOARD
COMPLIANCE DIVISION REPORT
June 1, 2026**

Compliance Division Manager: Liz Hayes
Compliance Specialist 2: Jen Wetherbee
Compliance Specialist 1: Rick Marsland, Helen Wilson, Katie Nash
Senior Auditor (Escrow): Roger McComas

Division Overview

The Compliance Division ensures that licensees meet their fiduciary and administrative responsibilities by reviewing financial and administrative records. This division aims to conduct clients’ trust account and compliance reviews and develop other compliance-related programs. This work includes providing technical assistance and sharing knowledge on the interpretation and application of laws and rules administered by the Agency (excluding legal advice) to licensees, the public, and other governmental agencies.

Presentation

Agency hosted the Property Management and Reconciliation Requirements class virtually on February 18th, April 22nd, and May 13th. Next class is scheduled for August 19, 2026.

Division Updates

Escrow companies who have submitted their 2025 annual reports and year-end financial statements have been made eligible to renew their license. Renewals must be completed by June 30th.

Workload and Activity Indicators

As of 04/30/2026	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
ELOA	3	2	2	4	44	79	81	13	55	101	141	172	46
No Violation	351	356	192	172	375	216	87	10	98	94	89	69	26
Investigation	14	5	3	8	10	29	7	2	13	20	23	6	7
Compliance Sanction												7	2
Resolved									72	182	216	216	89
Reviews Closed	368	363	197	184	429	324	175	25	238	397	469	470	170

(# of Staff)	3	4	4	5	6	6	1	1-2	2-4	3-4	3-4	4	4
--------------	---	---	---	---	---	---	---	-----	-----	-----	-----	---	---

	Jan	Feb	Mar	Apr
ELOA	12	14	13	7
No Violation	7		8	11
Investigation	2	2	1	2
Compliance Sanction		1	1	0
Resolved	19	24	22	24
Total Closed	40	41	45	44

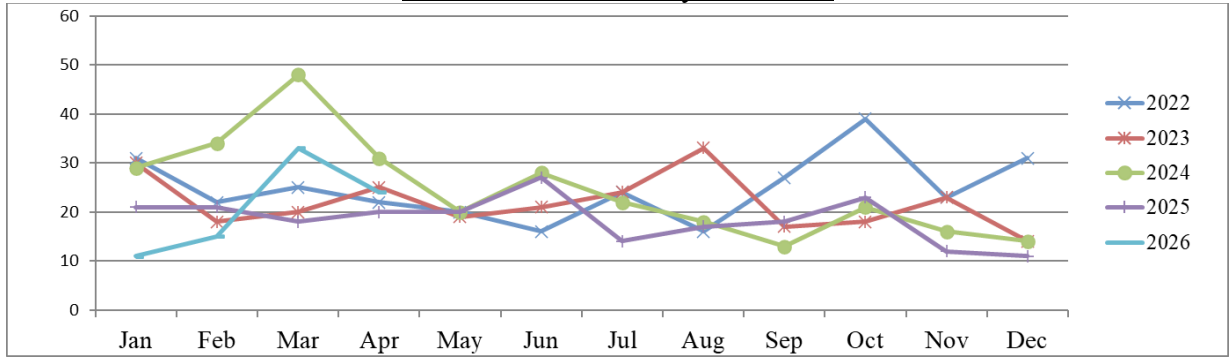
**Report to the Real Estate Board
Land Development Division
June 1st, 2026**

Division Manager: Michael Hanifin

Division Overview:

The Land Development Division reviews and approves filings related to condominiums, timeshares, subdivisions, manufactured home subdivisions, and membership campgrounds. The section reviews and approves the foundational documents creating these types of properties, as well as later amendments to those documents, to verify compliance with statutory requirements. We also issue the Disclosure Statement (sometimes referred to as a Public Report) required for sales of these interests to Oregonians. The Disclosure Statement summarizes key information about the condominium for the consumer, somewhat like the owner’s manual for a car.

Workload and Activity Indicators



The division had 83 filings through end of April 2026. This level of activity is just slightly higher than last year through the same timeframe (81 filings thru April last year).

Rulemaking:

None at this time.

Legislation:

None at this time.

**REAL ESTATE BOARD
LICENSING DIVISION REPORT
June 1, 2026**

Licensing Manager: Nenah Darville

Compliance Specialist: Tami Schemmel, Kaely Salem

Administrative Specialist: Elizabeth Hardwick, Cory King, Reagan Van Dorp, Sunny Deanda.

Division Overview

The Licensing Division acts as the first point of contact for the public and licensees. This division manages reception, licensing related services, general public inquiry and complaint intake and processing

Licensing Update

The most recent data available for division performance is as follows:

Average Call Hold Time for the month of April – 26 seconds

New complaints filed in the month of April – 47 complaints

Average Days Processing complaints for month April – 17 days

Customer Service Overall Rating for month April – 95% (November 1, 2025– April 30, 2026)

Division Reminders:

Wholesale Registrations are up for renewal for the first time, and along with Pre-License Educators and Escrow licenses, all renewals are due by June 30, 2026.

RBN Renewal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<u>Eligible to Renew</u>	398	323	335	338								
<u>Failed to Renew</u>	17	18	13	11								
<u>% Renewed</u>	96%	94%	96%	97%								

Licensing Statistics

Total Licensee Counts by Month:

Individuals (Persons)	Mar-26	Apr-26
Broker – Total	16,325	16,304
Active	14,665	14,701
Inactive	1,660	1,603
Principal Broker - Total	5,913	5,917
Active	5,524	5,519
Inactive	389	398
ALL BROKERS Total	22,238	22,221
Active	20,189	20,220
Inactive	2,049	2,001
Property Manager - Total	1,084	1,088
Active	972	979
Inactive	112	109
MCC Salesperson	4	5
MCC Broker	0	0
TOTAL INDIVIDUALS	23,326	23,314
Active	21,165	21,204
Inactive	2,161	2,110
Facilities (Companies)		
REMO	3	3
Registered Business Name (RBN)	3,688	3,689
Registered Branch Office (RBO)	731	731
Escrow Organization	88	91
Escrow Branch	198	197
Unit Owners Association	806	808
Pre-License Education Provider (PEP)	24	24
Timeshare Sales Agent (TSA)	23	30
Wholesaler (WS)	71	80
CEP	274	276
MCC Operator	25	25
TOTAL FACILITIES	5,931	5,954
TOTAL INDIVIDUALS & FACILITIES	29,257	29,268

New Licenses by Month:

Individuals (Persons)	Mar-26	Apr-26
Broker	98	116
Principal Broker	24	12
TOTAL BROKERS	122	128
Property Manager	18	11
MCC Salesperson	0	1
MCC Broker	0	0
TOTAL INDIVIDUALS	140	140
Facilities (Companies)		
Continuing Education Provider (CEP)	1	2
REMO	0	0
Registered Business Name	39	28
Registered Branch Office	3	8
Escrow Organization	1	2
Escrow Branch	0	0
Unit Owners Association	8	5
Timeshare Sales Agent	7	6
Wholesaler	4	9
Pre-License Ed Provider	0	0
MCC Operator	0	0
TOTAL FACILITIES	63	60
TOTAL INDIVIDUALS & FACILITIES	203	200

Exam Statistics

April 2026

ALL LICENSING EXAMS Total

Broker	327
Principal Broker	61
Property Manager	33
Timeshare Sales Agent	13
Broker Reactivation	6

Pass Rates

<i><u>First Time Pass Rate</u></i> <i><u>Percentage</u></i>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
Broker State	44	42	44	46	45
Broker National	66	64	62	61	66
Principal Broker State	54	47	51	44	47
Principal Broker National	65	54	71	74	77
Property Manager	65	63	60	57	52

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2026 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	191	171	193	144									699
Principal Brokers	29	27	31	17									104
Property Managers	28	27	36	32									123
Total	248	225	260	193									926

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	475	471	505	535									1986
	Inactive	44	28	31	35									138
Late	Active	56	50	52	43									201
	Inactive	15	11	9	9									44
Lapse		138	103	135	143									519
	Total	728	663	732	765									2888

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	204	211	219	215									849
	Inactive	7	17	8	10									42
Late	Active	11	8	8	12									39
	Inactive	6	0	2	6									14
Lapse		27	30	27	23									107
	Total	255	266	264	266									1051

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2026 Data

Property Managers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	31	28	23	25									107
	Inactive	1	2	2	1									6
Late	Active	0	0	3	0									3
	Inactive	0	1	0	0									1
Lapse		6	8	6	8									28
Total		38	39	34	34									145

Grand Total (Brokers, Principal Brokers, Property Managers)														
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Eligible to Renew		1021	968	1030	1065									4084
On Time	Active	710	710	747	775									2942
	Inactive	52	47	41	46									186
Late	Active	67	58	63	55									243
	Inactive	21	12	11	15									59
Total Renewed		850	827	862	891									3430
Lapse		171	141	168	174									654

% On Time		74.6%	78.2%	76.5%	77.1%	%	%	%	%	%	%	%	%	76.6%
% Late		8.6%	7.2%	7.2%	6.6%	%	%	%	%	%	%	%	%	7.4%
% Failed to Renew (Lapsed)		16.7%	14.6%	16.3%	16.3%	%	%	%	%	%	%	%	%	16.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2025 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	245	195	221	199	188	211	180	174	171	152	150	160	2246
Principal Brokers	25	25	26	10	12	17	17	23	21	16	29	33	254
Property Managers	27	30	35	24	34	28	22	42	20	23	32	31	348
Total	297	250	282	233	234	256	219	239	212	191	211	224	2848

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	463	505	558	502	534	532	522	528	534	504	453	465	6100
	Inactive	30	30	29	23	31	28	25	30	32	37	26	42	363
Late	Active	73	50	44	57	54	50	63	61	85	50	36	59	682
	Inactive	6	11	21	7	7	12	9	8	7	10	8	5	111
Lapse		140	150	168	122	167	162	168	146	134	154	145	150	1806
Total		712	746	820	711	793	784	787	773	792	755	668	721	9062

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	194	174	199	229	205	236	227	218	222	193	169	213	2479
	Inactive	13	8	9	9	7	10	9	10	10	7	7	9	108
Late	Active	13	9	8	9	7	6	13	11	18	15	12	13	134
	Inactive	2	2	2	3	0	1	2	1	3	3	0	1	20
Lapse		24	23	32	29	26	23	26	27	27	23	32	22	314
Total		246	216	250	279	245	276	277	267	280	241	220	258	3055

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2025 Data

Property Managers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	44	34	39	30	40	33	37	44	25	33	37	41	437
	Inactive	1	1	1	2	4	1	5	2	1	3	2	4	27
Late	Active	5	1	3	0	1	0	1	0	1	2	2	3	19
	Inactive	0	0	2	0	0	1	0	1	1	0	0	0	5
Lapse		4	6	10	5	9	5	8	9	7	7	6	12	88
Total		54	42	55	37	54	40	51	56	35	45	47	60	576

Grand Total (Brokers, Principal Brokers, Property Managers)														
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Eligible to Renew		1012	1004	1125	1027	1092	1100	1115	1096	1107	1041	935	1039	12693
On Time	Active	701	713	796	761	779	801	786	790	781	730	659	719	9016
	Inactive	44	39	39	34	42	39	39	42	43	47	35	55	498
Late	Active	91	60	55	66	62	56	77	72	104	67	50	75	835
	Inactive	8	13	25	10	7	14	11	10	11	13	8	6	136
Total Renewed		844	825	915	871	890	910	913	914	939	857	752	855	10485
Lapse		168	179	210	156	202	190	202	182	168	184	183	184	2208

% On Time		73.6%	74.9%	74.2%	77.4%	75.2%	76.4%	74.0%	75.9%	74.4%	74.6%	74.2%	74.5%	75.0%
% Late		9.8%	7.3%	7.1%	7.4%	6.3%	6.4%	7.9%	7.5%	10.4%	7.7%	6.2%	7.8%	7.6%
% Failed to Renew (Lapsed)		16.6%	17.8%	18.7%	15.2%	18.5%	17.3%	18.1%	16.6%	15.2%	17.7%	19.6%	17.7%	17.4%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

<u>Oregon Real Estate Agency Education & Licensing Division Phone Counts</u>													
(Minutes: seconds)	Jan – 26	Feb – 26	Mar – 26	Apr – 26	May-26	Jun-26	Jul-26	Aug-26	Sep-26	Oct-26	Nov--26	Dec-26	2026 Average
Call Count	1527	1240	1387	1328									1371
Average Wait Time	:38	:29	:30	:26									:31
Maximum Wait Time	0:13:34	0:14:37	0:11:53	0:08:10									0:12:04

<u>Oregon Real Estate Agency Education & Licensing Division Phone Counts</u>													
(Minutes: seconds)	Jan – 25	Feb – 25	Mar – 25	Apr – 25	May-25	Jun-25	Jul-25	Aug-25	Sep-25	Oct-25	Nov--25	Dec-25	2025 Average
Call Count	1471	1181	1348	1273	1114	1275	1539	1255	1348	1353	951	1380	1291
Average Wait Time	:52	:45	:58	:29	:21	:25	:28	:28	:37	:20	:28	:33	:34
Maximum Wait Time	0:13:31	0:11:02	0:13:38	0:24:10	0:09:01	0:17:45	0:10:11	0:34:53	0:12:58	0:06:11	0:12:32	0:15:08	0:15:05

<u>Oregon Real Estate Agency Education & Licensing Division Phone Counts</u>													
(Minutes: seconds)	Jan – 24	Feb – 24	Mar – 24	Apr – 24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov--24	Dec-24	2024 Average
Call Count	1588	1447	1509	1471	1415	1138	1252	1205	1232	1279	897	1213	1304
Average Wait Time	:30	:42	:45	:32	:25	:29	:27	:40	:33	:55	:55	:55	:39
Maximum Wait Time	0:09:48	0:12:50	0:11:01	0:10:00	0:13:36	0:13:28	0:20:09	0:13:37	0:10:11	0:17:29	0:16:03	0:18:31	0:13:54

Oregon Real Estate Agency Education & Licensing Division Phone Counts													
(Minutes: seconds)	Jan – 23	Feb – 23	Mar – 23	Apr – 23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov--23	Dec-23	2023 Average
Call Count	1642	1368	1603	1428	1438	1286	1283	1468	1382	1445	1222	1265	1403
Average Wait Time	:33	:32	:35	:28	:28	:35	:38	:29	:32	:29	:40	:30	:32
Maximum Wait Time	0:11:07	0:11:14	0:10:58	0:09:13	0:10:11	0:16:20	0:09:26	0:11:08	0:11:55	0:11:53	0:10:46	0:10:44	0:11:15

Oregon Real Estate Agency Education & Licensing Division Phone Counts													
(Minutes: seconds)	Jan – 22	Feb – 22	Mar – 22	Apr – 22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov--22	Dec-22	2022 Average
Call Count	1730	1520	1776	1510	1437	1444	1303	1510	1555	1444	1469	1295	1499
Average Wait Time	:33	:23	:45	:33	:35	:36	:42	:58	:50	:36	:29	:43	:39
Maximum Wait Time	0:20:37	0:12:03	0:26:17	0:13:25	0:10:53	0:11:15	0:11:13	0:31:05	0:32:16	0:13:58	0:10:52	0:11:53	0:17:09

Oregon Real Estate Agency Education & Licensing Division Phone Counts

(minutes: seconds)	Jan – 21	Feb – 21	Mar – 21	Apr – 21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov--21	Dec-21	2021 Average
Call Count	1981	1801	1918	1822	1452	1886	1653	1616	1510	1477	1407	1426	1662
Average Wait Time	:51	:36	:29	:29	:24	:18	:26	:15	:19	:17	:22	:36	:27
Maximum Wait Time	0:19:17	0:10:52	0:09:59	0:10:43	0:08:58	0:06:37	0:28:56	0:06:49	0:07:45	0:04:46	0:13:37	0:19:12	0:12:18

(minutes: seconds)	Jan – 20	Feb – 20	Mar – 20	Apr – 20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov--20	Dec-20	2020 Average
Call Count	2117	1834	1830	1474	1468	1775	1875	1678	1749	1646	1593	1785	1735.3
Average Wait Time	:25	:21	:19	:23	:25	:35	:29	:26	:21	:20	:24	:29	:24.75
Maximum Wait Time	0:11:05	0:09:30	0:14:56	0:10:15	0:18:12	0:13:00	0:21:34	0:14:15	0:11:09	0:17:30	0:09:58	0:12:06	0:13:38

REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
June 1, 2026

Business & Human Resources Services Manager: Reba Dunnington

Program Analyst: Rus Putintsev

Accountant: Caty Karayel

Section Overview

The Administrative Services Division serves as the foundation of the Agency's operations by providing comprehensive support in accounting, purchasing and contracting, inventory control, facilities, payroll, human resources, special projects, information technology (IT), and performance management.

The team is comprised of three staff who are subject matter experts in their respective fields.

Personnel

Staffing levels at the Oregon Real Estate Agency have remained steady with no turnover or vacancies since the workforce reductions last spring.

In July of 2027, the state will change the cadence in which employees are paid, transitioning from a monthly pay model to bi-weekly paychecks. This is a statewide initiative and will significantly impact the way all employees submit and approve time. In preparation, the state's Chief Human Resources Office is providing training, resources and frequent communication to support a smooth transition. Reba Dunnington is designated as the agency's liaison with the CHRO on this project and will continue to provide updates and assist with the agency's transition.

Required Training

The 2026 required trainings are assigned to Board Members and Employees in Workday. This year, in addition to *Preventing Discrimination and Harassment*, and the *Annual Information Security Training*, state employees are required to complete *Immigration* training (boards and commissions are exempt). Current training completion rates are, agency employees at 58% and the Board at 33% complete. All required training is due by the end of the year, December 31, 2026.

Board members are considered public officials and are required to adhere to Oregon ethics laws. In this June Board Meeting we are holding a virtual Government Ethics Law Training, presented by the Ethics Commission, We've included a handout about Government Ethics in the board packet.

Board Member Information

Thank you to the Board for being 100% compliant with your 2025 tax year Self-Attestation Forms! We have received all completed forms and added them to your Workday profile as required by the Governor's Office.

Workday log in issues are common; your username is your OR# (ORXXXXXXX) and you must have an Multi Factor Authentication app (MFA) downloaded on a smart phone and synched to access Workday. Passwords expire every 90 days, it's important to set up your security questions so that you can recover/reset your own password. If you have trouble with your password reset, you can reach out to Reba Dunnington, and she can reset it for you. If you get a new cell phone, you will always need to reset your MFA, please reach out to Reba and she can help you. We've included the Workday job aide in the board packet for more information, please keep this handy.

The Workday web address is, <https://wd5.myworkday.com/wday/authgwy/oregon/login.html>.

Accounting Update

The division continues to progress with an ongoing review of internal accounting policies to ensure compliance with the Oregon Accounting Manual. We are currently working to finalize internal Travel and Reimbursement policies. This project is now anticipated to be completed by the end of the year 2026 (Dec 31, 2026). Additionally, we are examining existing processes and seeking efficiencies related to accounting document storage and retention.

Upon completion of April 2026, projected revenue for the 2025-2027 biennium is **\$10.0 million**. Projected expenses are **\$14.0 million** and **14.1%** under the expenditure limitation granted in the Legislative Budget of **\$16.3 million**. **Two million** in expenditure limitation is reserved for payment of the eLicense replacement system in the 2025-2027 biennium. The anticipated ending cash balance is **\$2.0 million** and represents approximately 4 months of operating expenses.

Real Estate Agency - AY27

2025-2027 Budget - Biennium to Date Through June 30th 2027

Budget Codes		25-2027 LAB	Expected Total Expenditures for Biennium (current)	Expected Remaining Limitation at end of Biennium	Percentage
	Total Personal Services	9,786,680	9,508,747	277,933	2.84%
4100 & 4125	In-State Travel & Out-of-StateTravel	63,650	26,941	36,709	57.67%
4150	Employee Training	41,895	20,526	21,369	51.01%
4175	Office Expenses	61,467	31,020	30,447	49.53%
4200	Telecom/Tech Services & Support	73,181	77,470	(4,289)	-5.86%
4225	State Government Services	867,289	1,019,911	(152,622)	-17.60%
4250	Data Processing	123,774	62,594	61,180	49.43%
4275	Publicity & Publications	17,301	512	16,789	97.04%
4300 & 4315	Professional Services & IT Professional Services	309,421	480,161	(170,740)	-55.18%
4325	Attorney General Legal Fees	495,602	256,838	238,764	48.18%
4375	Employee Recruitment	8,774	0	8,774	100.00%
4400	Dues & Subscriptions	10,843	8,144	2,699	24.90%
4425	Facilities Rent & Taxes	288,334	169,909	118,425	41.07%
4475	Facilities Maintenance	5,117	0	5,117	100.00%
4575	Agency Program Related S&S	1,864,786	983,314	881,472	47.27%
4650	Other Services & Supplies	5,524	176,219	(170,695)	-3090.06%
4700	Expendable Property \$250-\$5000	33,008	40,784	(7,776)	-23.56%
4715	IT Expendable Property	115,931	50,630	65,301	56.33%
	Total Services & Supplies	4,385,897	3,404,973	980,924	22.37%
5550	Data Processing Software	2,084,000	2,084,000	0	0.00%
	Total Capital Outlay	2,084,000	2,084,000	0	0.00%
	Totals	16,256,577	14,997,721	1,258,856	7.74%

**REAL ESTATE BOARD
COMMUNICATIONS/DEI REPORT
June 1, 2026**

Communications, Policy, and DEI Director: Mesheal Tracy

Overview

This position is responsible for developing and implementing agency-wide Diversity, Equity, Inclusion, and Belonging (DEIB) initiatives, managing external communications, and leading change management processes. It encompasses media relations, community engagement, policy development, and strategic planning to foster an inclusive culture and effectively communicate the agency's mission and programs to diverse stakeholders. This position directly supports Objective 2 of the Agency's strategic plan: Reduce Barriers to Licensure & Increase Public Engagement through DEI Initiatives.

DEIB Initiatives

The federal government has extended the ADA digital accessibility deadline to 2027, providing additional time to complete our compliance work. We continue to develop the necessary policies and procedures to ensure our digital content, including web pages and PDF documents, is accessible to individuals who use assistive technology.

The Agency has submitted progress reports to DAS for our Affirmative Action and DEI Plan.

Communication Strategy

We are creating and distributing surveys to licensees and other users of the current eLicense system to gather feedback about their experience. This input will inform development of the replacement licensing system and help ensure the new platform meets the needs of our users.

Policy Update

We updated our Immigration Policy submission to the Governor's Office to include language addressing the Sharing or Disclosing of Citizenship or Immigration Status. With the exception of employment matters, the Agency does not collect such information.

The broader review of internal operating policies and procedures has been temporarily paused while resources are focused on legislative work.