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## Oregon Government Ethics Commission

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A Quarterly Newsletter

# Ethics Matters



## Commission Members >>>

*Dave M. Fiskum, Chair*  
*Amber A. Hollister, Vice-Chair*  
*Dan Mason*  
*Karly Edwards*  
*Shawn Lindsay*  
*Alicia A. McAuley*  
*Jonathan Thompson*  
*Robert B. Johnson*  
*One Vacancy (1)*

## Staff Members >>>

*Ron A. Bersin, Executive Director*  
*Susan Myers, Compliance & Education Coord.*  
*Becky Maison, Operations & Policy Analyst*

### Investigators:

*Torrey Sims*  
*Vacant*

### Trainers:

*Monica J. Walker*  
*Stephanie Heffner*

### Administrative Staff:

*Kathy Baier*  
*David Hunter*

## Designated Jurisdictional Contacts

You've been designated as a Jurisdictional Contact. NOW WHAT?

As the Jurisdictional Contact (JC) for your public body, it is your responsibility to serve as the liaison between the Oregon Government Ethics Commission (OGEC) and the public officials required to file a Statement of Economic Interest (SEI) in your jurisdiction.

JCs maintain an up-to-date listing in the OGEC's Electronic Filing System (EFS) of the public officials in their jurisdiction who are required to file an SEI. JCs must certify that the jurisdiction's listing in EFS is accurate by February 15<sup>th</sup> annually. Any changes that occur between February 15<sup>th</sup> and April 15<sup>th</sup> must be made current in the EFS within three working days.

As the JC, your role is also to assist the officials in your jurisdiction with setting-up and maintaining their accounts in the EFS. This includes assisting them in filing their SEI reports. Only public officials listed under ORS 244.050 are required to file an SEI report. Prior to March 15, it is important that you reach out to all newly seated SEI filers to ensure they have created their EFS profiles and that existing SEI filers have updated their contact information to ensure all current officials receive the OGEC email notifications.

SEI reports must be filed between March 15<sup>th</sup> and April 15<sup>th</sup> of each year. Please note that the EFS is available 24/7, SEI filers MUST FILE BY APRIL 15<sup>th</sup>.

We recommend that you periodically login to the EFS system to review your contact information to ensure that you continue to receive important email reminders from the OGEC. We also encourage you to review and maintain all the information listed for the jurisdiction throughout the year.

Need more information? Join us for one of our [Jurisdictional Contact Webinars](#), or contact the OGEC by phone at 503-378-5105 or by email at [mail@ogec.oregon.gov](mailto:mail@ogec.oregon.gov).



# JC Live Webinar Training

JC webinars will guide JCs in creating, updating and maintaining their account profile's and managing the positions within the jurisdiction(s) assigned to them. In addition, JCs will learn about their duties as the local liaison between SEI filers and OGEC as well as how they can best assist SEI filers with their filing requirements, through navigation of the OGEC Electronic Filing System (EFS).

## 2022 JC Webinar Training Dates/Times:

### **JANUARY**

Tuesday, January 18, 2022 – 2:00 to 3:00 pm  
Wednesday, January 26, 2022 – 9:00 to 10:00 am  
Friday, January 28, 2022 – 12:00 to 1:00 pm

### **FEBRUARY**

Thursday, February 3, 2022 – 9:00 to 10:00 am  
Tuesday, February 8, 2022 – 3:30 to 4:30 pm  
Wednesday, February 9, 2022 – 12:00 to 1:00 pm



## **Webinar Schedules & Additional Resources**

All webinar training sessions are live and presented by an OGEC trainer using Zoom Meeting. These sessions are available at no charge and are approximately 1 to 1.5 hours in duration. To access a listing of webinar schedules and learn about additional resources that are available to you, please click on the following link:

[Jurisdictional Contact Training](#)

## **IMPORTANT Dates & Deadlines:**

REMEMBER it is important to periodically check your jurisdictional profile/account throughout the year to ensure that all contact information and jurisdictional listings are current and up to date.

### **FEBRUARY 1<sup>st</sup>**

OGEC sends an email notification to all JC's reminding them to verify that their jurisdiction's listing is accurate and up to date in the EFS.

### **FEBRUARY 15<sup>th</sup>**

Deadline in which all JC's must certify that they have updated their jurisdictional listing.

*NOTE: Any changes, additions or deletions of information that occurs after February 15<sup>th</sup> and prior to April 15<sup>th</sup> MUST be made in the EFS within three (3) working days.*

### **MARCH 15<sup>th</sup>**

The window for SEI filers to file their SEI reports opens. OGEC sends all SEI filers an email notification notifying them of their requirement to file.

*NOTE: JC's that are listed as an alternate contact on an SEI filers profile account will receive the same email notifications that SEI filers receive from the OGEC.*

### **APRIL 15<sup>th</sup>**

Deadline for SEI filers to file their SEI reports.

*NOTE: SEI filers have 30 days to file their SEI reports in the EFS, i.e. March 15<sup>th</sup> through April 15<sup>th</sup>. The EFS is available 24/7 and can be accessed by any device that has access to the Internet.*

## **Guidance & Advice**

**Do you have questions OR need guidance regarding your JC role, responsibilities, or SEI filer requirements???**

OGEC Trainers are available Monday through Friday from 8:00 a.m. to 5:00 p.m. and always able to assist you with any questions regarding JC and SEI filer requirements and reporting:

**Oregon Government Ethics Commission**  
Phone: 503-378-5105 / Fax: 503-373-1456  
Email: [training@ogec.oregon.gov](mailto:training@ogec.oregon.gov)  
Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

### **JC Resources:**

[JC Webpage](#)

[JC - EFS Instructional Handout Guide](#)  
[2022 JC & SEI Filer Resource Flyer](#)

In addition, advice and guidance previously issued regarding SEI reporting and requirements can be obtained from the OGEC website via the following link:

<https://apps.oregon.gov/OGEC/CMS/Advice>

# Newly Adopted Oregon Administrative Rules

In 2021, the Oregon Government Ethics Commission adopted, repealed, and amended twenty-eight (28) of its Oregon Administrative Rules (OARs). These OARs became effective as of December 30, 2021. In addition to general housekeeping changes below is a table summarizing these revisions and updates:

<b>Rule Number:</b>	<b>Division</b>	<b>Action</b>	<b>Description:</b>
199-001-0007 199-001-0010 199-001-0030	Procedural Rules	Amend	Clarify and update Commission funding formula; Add ex parte disclosure and align subpoenas with statute; amended the statement of “safe harbor” for advisory opinions.
199-001-0040		Repeal	No longer conforms to statutory procedures.
199-005-0027 199-005-0030	Gifts	Amend	Update statutory references and examples; Update to comply with caselaw change.
199-008-0005 199-008-0014 199-008-0015 199-008-0035	Compliance & Sanctions	Amend	To add definition, update statutory references; Remove outdated examples, update statutes; Change penalty matrix; Clarify factors that may cause deviation from matrix; Update to conform with statutory terms, electronic filing system, and add clarifying info.
199-010-0005 199-010-0025 199-010-0035 199-010-0060 199-010-0070 199-010-0075 199-010-0080 199-010-0095 199-010-0150	Lobby	Amend	Update rules to incorporate information about new electronic filing system; combine separate rules into single rule for both lobbyists and clients, allowing repeal of duplicative rules.
199-010-0085 199-010-0090 199-010-0100		Repeal	Repeal and add info to 199-010-0060; Repeal and add info to 199-010-0070; Repeal obsolete rule
199-020-0005 199-020-0008 199-020-0020	Statement of Interest	Amend	Add information necessary to conform with updated electronic filing system, update statutory references, amend filing deadline language to conform with electronic filing.
199-020-0013 199-020-0023		Adopt	Added rule re filing procedure under new electronic filing system; added rule to clarify statutory language and provide examples.
199-040-0020 199-040-0025 199-040-0027	Executive Session	Amend	Amended title, minor grammar changes, and clarifying information to aid with compliance.
199-040-0015		Adopt	Added rule to clarify when executive session begins and ends to aid with compliance.

# OAR Update Continued...

## **QUICK LINKS:**

### ALL DIVISIONS

[OGEC - Oregon Administrative Rules - Chapter 199](#)

Division 1

### PROCEDURAL RULES

[Division 1 - OARs Pertaining to Procedural Rules](#)

Division 5

### GIFTS

[Division 5 - OARs Pertaining to Gifts](#)

Division 8

### COMPLIANCE AND SANCTIONS

[Division 8 - OARs Pertaining to Compliance & Sanctions](#)

Division 10

### LOBBYING REGISTRATION AND REPORTING

[Division 10 - OARs Pertaining to Lobbying Registration and Reporting](#)

Division 20

### STATEMENT OF INTEREST

[Division 20 - OARs Pertaining to SEI](#)

Division 40

### EXECUTIVE SESSION

[Division 40 - OARs Pertaining to Executive Session](#)

## ***LOBBYIST REMINDER!***

### **“Respectful Workplace” Training & Reporting**

As a reminder for all lobbyists, when you log into the Electronic Filing System (EFS) to file your Quarterly Expenditure Reports for the fourth quarter, you will see a pop-up on your screen before you are able to file. This prompt is to remind you about the ANNUAL Respectful Workplace Training requirement.

In 2019, Oregon Legislation passed HB3377 which requires all lobbyists that were active lobbyists for any period during a year to complete a two-hour training governed and presented by the Oregon Legislative Equity Office (LEO). Additional information and training options are currently available on the LEO’s website, which can be accessed [here](#). Lobbyists are required to report their commitment to taking this training and the completion of the training in the EFS.

You can view updated information and steps on how to report your completed trainings on the OGEC website [here](#). This OGEC webpage will be updated as new information becomes available from the LEO.

**Please Note:** *Again, this is an ANNUAL training requirement. If you are an active lobbyist and you took the required two-hour “Respectful Workplace” training in December 2021, you will need to take the training again sometime in 2022 to meet the annual requirement.*

## ***General Training Resources***

### **Customized Webinars (Live):**

Trainers are available to present training sessions or workshops on government ethics law, lobbying regulations and executive session provisions. These sessions are 1.5 to 2 hours in length. You can request this training by calling our office at: 503-378-5105 or by completing a ‘request for training’ form on-line at: [Customized In-person & Virtual Trainings](#)

### **Monthly Webinars (Live):**

OGEC offers monthly Webinars. These 60 to 90 minute trainings are presented virtually by an OGEC trainer. We offer several different classes each month:

- Monthly Webinar Calendar (mid page): [Calendar](#)
- To register or arrange for webinar training please e-mail us at: [training@ogec.oregon.gov](mailto:training@ogec.oregon.gov)

### **Workday\* Learning (WDL) Course:**

This training module focuses on Government Ethics law and is short, focused and convenient. Anyone can register to take the class, whether you are a public official or a private citizen. WDL can be accessed via the following links:

- State employee – [Workday Oregon - Sign In to Workday \(myworkday.com\)](#)
- Non-State employee – [Register - Workday Learning External Portal \(oregon.gov\)](#)



# ~ Compliance Updates & Information ~

## *Have You Ever Thought About the Businesses YOU Are Associated With?*

As public officials it is our responsibility to do so to ensure we comply with the provisions of Government Ethics law – Chapter 244. In this issue of “*Ethics Matters - Compliance News*” we will take a closer look at the definition of a “**Business**” and a “**Business with which the Person is Associated**”:

In several places, such as ORS 244.020(1) and (13) and ORS 244.040(1), Oregon Government Ethics law uses the term “business with which the person is associated.”

To determine if an entity is a “business with which the person is associated,” one must first know if an entity meets the statutory definition of a “business.” As defined in ORS 244.020(2), a “business” is:

Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

Applying this definition:

- Government agencies or public bodies *do not* meet the statutory definition of “business” because they are not “legal entities operated for economic gain.”
- Non-profit 501(c) corporations *do not* meet the statutory definition of “business” **if the person’s connection with the non-profit corporation is only as a member, or a board director, or in an unpaid position.**
- Non-profit 501(c) corporations *do* meet the statutory definition of “business” **if the person’s connection with the non-profit corporation is in a paid capacity.**

Once one knows that an entity meets the statutory definition of a “business,” one must still determine if it is a “business with which the person is associated,” as defined in ORS 244.040(3).

- For a private business or closely held corporation, it is a business with which the person is associated if:
  - The person or their relative is a director, officer, owner, employee or agent of the business.
  - The person or their relative currently owns or has owned at any point in the preceding calendar year stock, an equity interest, stock options or debt instruments worth \$1,000 or more in the business.
- For a publicly held corporation, it is a business with which the person is associated if:
  - The person or their relative is a director or officer of the business.
  - The person or their relative currently owns or has owned at any point in the preceding calendar year stock, an equity interest, stock options or debt instruments worth \$100,000 or more in the business.
- If the person is required to file an annual verified statement of economic interest under ORS 244.050, a business with which the person is associated includes:
  - Any business listed on their statement of economic interest as a source of income as required under ORS 244.060(3).

# **“What’s New With the Commission”**

We are very lucky at the Oregon Government Ethics Commission (OGEC). We have hired some amazing people over the years. Diane Gould is one of those people that OGEC was lucky enough to hire. Diane had been with OGEC for over 9 years but retired on November 30<sup>th</sup>, 2021. Our agency lost one of the most brilliant minds. She has been an immeasurable influence over the years with her steady, methodical, detailed approach to analyzing cases and requests for advice. She has helped draft legislation and updated our Administrative Rules. Her skill with the English language is unmatched. While we are sorry to see her go, we are better for working with her. We had one more request for her and that was to answer a few questions for us. She was of course happy to do so and here is what she had to say:

## **Q1: Tell us a little about your background, i.e. education & job experience.**

A1: I am a native Portlander, one of a vanishing breed. I took the long and winding road in my education, working for several years after high school as a bookkeeper and accounting clerk before going to college. I graduated from PSU in 1988 with a B.A. in History at the age of 31. I worked at PSU for the next 15 years as an office coordinator while raising my children as a single mom. When the kids left for their own adventures, I decided it was time to go to law school at Willamette University. I got my J.D., passed the bar exam, and began practicing law in 2005 at the age of 49.



## **Q2: What originally inspired you to apply for OGEC?**

A2: After about 7 years, I realized I was giving away more legal services than I was charging for! I was a lousy businesswoman. I started looking for a job that would give me a steady income and at age 56 with my background, I was a “hard to place” candidate to say the least. There was no specific draw to the Ethics Commission; I just needed a job! In fact, when I was interviewed for an opening as an investigator by the Ethics Commission in 2013, I had never heard of the Ethics Commission. Not only that, I had no idea that I had been a “public official” subject to the Ethics law during my 15 years as a PSU employee and my year at the Marion County DA’s office.

## **Q3: What was your favorite part of your job here?**

A3: I have had the pleasure of working with some of the most talented and kind co-workers a person could ask for. I was never bored; there was so much to learn. Although the laws don’t change that often, the facts of each situation are unique. I have worked on cases involving individual public officials ranging from the Governor and legislators to volunteer firefighters. I have learned about the diversity of jobs performed by Oregon public officials including maritime pilots, treasury investment officers, elected county surveyors, and golf pros. Because the Ethics Commission is a small agency, I was able to work on a variety of tasks – writing formal and informal advice, working with attorneys from all over the state on cases, reviewing other agency’s policies, evaluating complaints, training new employees, working on administrative rules and legislative concepts, and writing instructions and manuals.

## **Q4: What are some key takeaways that you would care to share with current and/or future Commissioners?**

A4:

- Commissioners should never be afraid or embarrassed to ask questions of staff or ask for explanations when they don’t understand the law or Commission processes. Feel free when reading the meeting book in preparation for a Commission meeting to reach out to a staff member with your questions. You don’t have to wait for the Commission meeting itself to get clarification.
- The investigators on a case must make recommendations to the Commissioners, but they have no personal stake in the outcome of any particular case. The Commissioners are the decision makers in the process and the staff understand and appreciate the role of the Commissioners.
- Early on in my employment with the Commission, I sat through a Commission meeting when a Commissioner was very hostile and aggressive toward an investigator over a case recommendation. The investigator was very professional and did not respond in kind. We are all on the same team, and when we disagree with one another, we must do so with respect and civility.

*“Enjoy yourself and your fellow Commissioners. Make some lasting friendships.”*

# STAFF UPDATE ~ New Investigator ~ Torrey Sims



My name is Torrey Sims. I moved to Oregon in January of 2020 on a scholarship to Willamette College of Law. I was born in Valdosta, GA and completed my undergraduate degree at Savannah State University, a Historically Black College and University, located in Savannah, GA with a BS in Political Science. I'm 27, I'm not married, and I don't have any children. Before joining the Oregon Government Ethics Commission, I worked for the Office of Administrative Hearings as a Hearing Coordinator and chaired the Diversity, Equity, & Inclusion Committee. I also worked as a Graduate Assistant for Housing at Willamette University for a year and for the US Equal Employment Opportunity Commission in GA for a year. My career goal is to work for the Department of Justice, Inspector General Office, as an Criminal Investigator. I knew the OGEC would help me gain most of the necessary skills I would need to become a successful candidate for the Investigator position. My favorite color is Black and/or Orange. My favorite movie would be "Friday", a movie written by Ice Cube. I spend most of my time working on cars, fishing, hunting, sports, and playing Call of Duty.

*Please join us in welcoming Torrey to our team!*

## Forms & Publications

Guide for Public Officials: [Guide for Public Officials](#)

Commission Calendar: [OGEC Commission Calendar](#)

Commission Newsletter: [OGEC Commission Newsletters](#)

## Glossary of Acronyms used in this issue:

**EFS** = Oregon Government Ethics Commission Electronic Filing System

**JC** = Jurisdictional Contact

**OGEC** = Oregon Government Ethics Commission

**SEI** = Annual Verified Statement of Economic Interest **OR** Statement of Economic Interest

**WDL** = Workday Learning Courses



**Coming Soon >>>**

*- Statement of Economic Interest (SEI) Filer Information and Support*

*- SEI Filer Responsibilities*

*- SEI Reporting Information*

*- SEI Training & Resources*

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