
OREGON GOVERNMENT ETHICS COMMISSION



11-2-2011
Capitol Club

Training on
Oregon Government Ethics Law

Objectives

- Understand that ORS 244.025 places limits on gifts which public officials may accept.
 - Understand when an item of value offered to a public official may be accepted because it falls within the gift exclusions in ORS 244.020(6)(b)
 - Understand when notice of the value of an item accepted by a public official under ORS 244.020(6)(b) must be given to the public official
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Prohibited Financial Gain

ORS 244.040(1)

A public official may not use or attempt to use an official position or office to obtain a financial gain ... if the financial gain would not otherwise be available, but for the holding of the official position....

Allowable Financial Gains

However, ORS 244.040(2) specifically allows:

(e) Gifts of not more than \$50 in a calendar year from a source that has a legislative or administrative interest. [see ORS 244.025(1)]

(f) Gifts of any value from a source that could not reasonably be known to have a legislative or administrative interest.



(g) The receipt of any item, which is excluded from the definition of “gift” in ORS 244.020.

Gifts



“GIFT”



Something of economic value given to a public official, a relative of the public official or a member of the public official’s household without payment or other consideration of equivalent value, that is not extended to others who are not public officials, or for less valuable consideration than is required from others who are not public officials. [ORS 244.020(6)(a)]

The commission interprets “others” to indicate a significant portion of the general public in Oregon who are not public officials.

[Guide for Public Officials, page 26, 10-26-2010]

Gift Limits ORS 244.025

During a calendar year, a public official or a relative or member of the household of the public official may not:

- Solicit or Receive
- Directly or Indirectly

Any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest.

Source of a Gift

OAR 199-005-0030(2)

The source of a gift is the ultimate payer(s) of the expense. The person handing out the gift may not be the “source” as defined in statute.



You can help public officials comply with the law by clearly identifying who the source is.

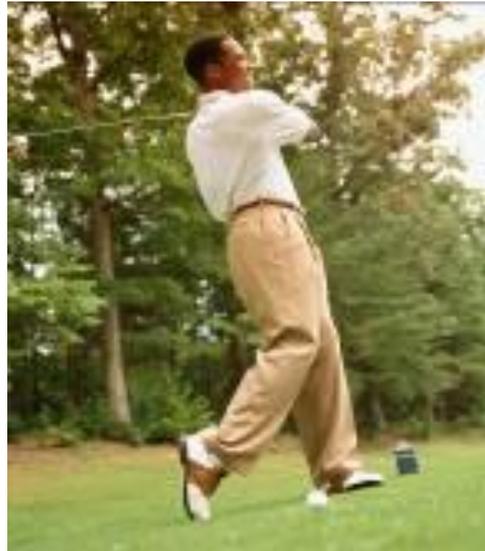
Legislative/Administrative Interest

ORS 244.020(9) “an economic interest, distinct from that of the general public, in any matter subject to the **decision** or **vote** of the public official acting in the public official’s capacity as a public official”.



Entertainment

The total prohibition on offering or accepting paid expenses for entertainment in ORS 244.025 is gone. However, such expenses are considered to be a gift, so the \$50 gift limit could apply.



Gift Exclusions

Items which are expressly excluded from the definition of a gift in ORS 244.020(6)(b) may be accepted without limit.



Gift Exclusion

ORS 244.020(6)(b)(C)

Gift does not mean...

(C) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item, with a resale value reasonably expected to be less than \$25.



OAR 199-005-0010(2)

Engraved or otherwise personalized items that include a public official's name are deemed to have a resale value under \$25, unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Gift Exclusion

ORS 244.020(6)(b)(E)

Gift does not mean...

(E) Admission provided to, or the cost of food or beverage consumed by, a public official, member of the household or staff of the public official when accompanying the public official at a **reception**, **meal** or **meeting** held by an **organization** when the public official is **representing** a government body.



OAR 199-005-0015

The purpose of exclusion (E) is to allow public officials to attend organized, planned events and engage with the members of organizations.

It does not authorize private meals where participants engage in discussion.



OAR 199-005-0015

The following factors may indicate whether an event falls under the (E) exclusion:

- 1.) A large number of people or groups are invited. For example, all members of an organization are invited.

“Organization” is defined in OAR 199-005-0001(6) as any entity other than an individual, such as a public body, corporation, or association.

OAR 199-005-0015

Factors, continued:

- 2.) The invitations or programs are sent in advance
- 3.) The event is publicized
- 4.) The reception, meal, or meeting is open to the public
- 5.) Written materials such as a printed program are available.

An event does not need all of these, but will have some of these hallmarks, if it is within the (E) exclusion

“Meeting”

OAR 199-005-0001(4)



A “meeting” is an event that include multiple attendees who are members of an organization or members of the general public who have been invited to the event. The purpose or agenda for the meeting would be included in any advance notice of the event.

“Reception”

OAR 199-005-0001(6)



Reception means a social gather. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include public or private meetings during which guests are honored or welcomed. Food and beverage are often provided, but not as a plated, sit-down meal.

Gift Exclusion

ORS 244.020(6)(b)(L)

Gift does not mean...

(L) Food or beverage consumed by a public official or candidate at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

Note: Does not have to be in official capacity

Definition of “Incidental”

OAR 199-005-0001(3)

Secondary or minor, but associated with something more important. Secondary in importance to the time and attention to the main purpose of the event.

Food, Lodging & Travel Exclusions

ORS 244.020(6)(b)(F) and (H)

These two exceptions allow reasonable food, lodging and travel expenses in limited and specific situations when a public official will be representing his public body.

Travel is allowed for some speaking engagements, conventions, and fact finding missions.



Gift Exclusion

ORS 244.020(6)(b)(F)

Gift does not mean...

(F) Reasonable food, lodging and travel expenses when paid by:

Government entity, Native American Tribe, membership organization, or non-profit 501(C)(3) organizations for attendance at:

- Convention
- Fact-finding mission/trip
- Meeting where scheduled to participate - speak, panel discussion or represent government



“For Attendance At”

The (F) exclusion in ORS 244.020(6)(b) allows expenses, but only those expenses which are needed “for attendance at” a convention, fact-finding mission, conference, or meeting.

Could be allowed under exclusion (F)

- Airfare
- Hotel stay during meeting
- Mileage/rental car
- Meals

Would not be allowed under exclusion (F)

- Golf
- Massage at hotel
- Additional night’s stay
- Extra excursions

Gift Exclusion

ORS 244.020(6)(b)(H)

Gift does not mean...

(H) Reasonable food, lodging and travel expenses for a public official and a relative when...

Representing the government agency on “officially sanctioned”

- Trade-promotion
- Fact-finding mission
- Negotiations
- Economic development



Officially Sanctioned OAR 199-005-0020(3)(b)

“Officially sanctioned” or “officially designated” means:

“Written approval by a the public body or by a person authorized by the public body to provide that approval. Unless the public body determines otherwise, the written notice from the following is sufficient to constitute an officially sanctioned or officially designated activity under ORS 244.020(6)(b)(H):

The President of the Senate, Speaker of the House, majority and minority leader of either chamber or appointed committees of the Legislative Assembly

Fact Finding Mission OAR 199-005-0001(2)

A fact finding mission is:

“Any activity related to a cultural or educational purpose, or any activity aimed at providing intergovernmental assistance, such as for the purpose of international aid or sharing best practices, or developing intergovernmental relationships directly related to the public official's duties.

The sponsor of a fact finding mission should be directly and immediately associated with the event or location being visited.”

Notices of Expenses Paid ORS 244.100(1)

The provider of expenses “exceeding \$50 for an event described in ORS 244.020(6)(b)(F) shall notify the public official in writing of the amount of the expense” within 10 days after the date the expenses are incurred.

Public officials who file an annual Statement of Economic Interest must list the value of all items received under both (F) and (H).

You can help them do this by providing notice of both.

Oregon Government Ethics Commission

- The Commission believes it is most successful when it helps public officials avoid conduct that violates statute.
- You are welcome to ask any questions you have about the statutes prior to taking action that may violate the law.

“Just send me a fax or send me a letter, or give me a call – that would even be better” Lyrics to *I’m Alright* by JoDee Messina

Any Questions?

Call Us!

(503) 378-5105

*OGEC does not have an
an automatic phone tree.
A real person will pick up.*

