# Oregon Ethics Law
# Key Issues for Public Officials

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# Policy Expressed Through ORS 244.010(1)

Policy of Oregon Ethics laws: “The Legislative Assembly declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.” ORS 244.010(1). “The Legislative Assembly recognizes that public officials should uphold the principles described in [the Oregon ethics laws], ever conscious of the public's trust.” ORS 244.010(8).

# Overview

- Use of Office
- Gifts
- Conflicts of Interest

# Use of Office

- General rule: a public official may not use or attempt to use official position or office to obtain financial gain or avoid financial detriment
- This rule applies to:
  - Any person serving a public body as an officer, employee, or agent, irrespective of whether the person is compensated
  - Relative: spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of official
  - Business with which the official or relative is associated
    - Director, officer, employee, or agent
    - Publicly held corporation, officer or director, or stock ($1,000 for private/closely held, $100,000 publicly held)

# Use of Office

Common exceptions to general rule

- Official compensation
- Some “honorariums”
  - Certificate, plaque, commemorative token or other item with a value of $50 or less
  - In relation to private business, profession, avocation, or expertise
- Reimbursement of expenses
- Exception to gift prohibition

# Use of Office Examples

- Frequent flier/credit card benefits
- Volume discounts
- Compensation/“official salary”
- Benefits same terms and conditions as private sector

# Gift Prohibition

General rule: Public official may not accept, directly or indirectly, gift or gifts worth over $50 in calendar year from a single source which could have an “administrative or legislative interest”

# Gifts: Common Exceptions

- Campaign contributions
- Relatives or member of household
- Unsolicited token/award <$25
- Subscription related to performance of official duties
- Admission/food for official or member of household when representing public body
- Continuing education discounts
- Entertainment incidental to main purpose
- Expenses for public school employee accompanying students on educational trip

# Conflicts of Interest

- Potential action decision or “could be” to the private pecuniary benefit, to person, relative, associated business
  - Limited exceptions
- Actual conflict : would result in private pecuniary benefit

# Conflicts of Interest

- Declaration required
- Participation
  - May participate if potential
  - May not participate if actual (unless necessity)

# Miscellaneous OEC Provisions

- Nepotism
- Soliciting or receiving employment in return for action
- Misuse of confidential information

# Procedures and Penalties

- Official opinions
- Staff opinion
- $5,000/2x financial benefit

# Additional Information

- Oregon Ethics Commission Guide for Public Officials
- Oregon.gov/OGEC

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