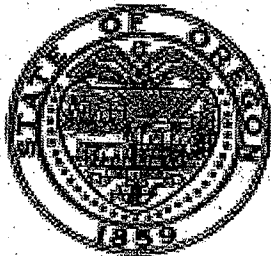


**OREGON
GOVERNMENT ETHICS
LAW**

A GUIDE FOR PUBLIC OFFICIALS



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PUBLIC OFFICIALS CANNOT:

1. Public officials may not use or attempt to use their official position or office to obtain a **personal** financial gain or to avoid a **personal** financial detriment if the opportunity would not otherwise be available but for their holding the official position or office. [ORS 244.040(1)]
2. Public officials may not use or attempt to use their official position or office to obtain a financial gain or to avoid a financial detriment for a public official's **relative** if the opportunity would not otherwise be available but for their holding the official position or office. [ORS 244.040(1)]
3. Public officials may not use or attempt to use their official position or office to obtain financial gain or to avoid a financial detriment for a **member of the public official's household** if the opportunity would not otherwise be available but for their holding the official position or office. [ORS 244.040(1)]
4. Public officials may not use or attempt to use their official position or office to obtain financial gain or to avoid a financial detriment for a **business** with which the public official, relative of the public official or member of the public official's household are associated if the opportunity would not otherwise be available but for their holding their official position or office. [ORS 244.040(1)]
5. A public official, a relative of a public official or a member of the public official's household may **not accept gifts** that exceed \$50 (*This restriction in ORS 244.025 is discussed later.*) from a source* that has a **legislative or administrative interest** in the public official's governmental agency. [ORS 244.040(2)(e)]
6. Public officials and candidates may not accept the payment of expenses for **entertainment** nor can a source offer such paid expenses. [ORS 244.025(4) and see *entertainment defined in OAR 199-005-0025(4)*]
7. Public officials or candidates for public office, or members of their households, may not solicit or accept **honoraria**. [ORS 244.042(1) and ORS 244.042(2)]
8. Public officials may not solicit or accept the offer, pledge or promise of future employment based on any understanding that a vote, official action or judgment would be **influenced by the offer**. [ORS 244.040(3)]
9. Current or former public officials may not use or attempt to use **confidential information** gained through their positions as public officials for financial gain.

* Source of a gift is defined in OAR 199-005-0030 as the person or organization that pays the cost of the gift and receives no reimbursement for the expense from another person or organization.

[ORS 244.040(4) and ORS 244.040(5) and see confidential information defined in OAR 199-005-0035(5)]

10. Public officials may not represent a **private client** for a fee before a governing body when the public official is a member of that same body. *[ORS 244.040(6)]*
11. After complying with the conflict of interest provisions in ORS 244.120, public officials cannot participate in any personnel action taken by the public agency that would impact the employment of a relative or member of the public official's household. *[ORS 244.177]* Exceptions to the provision are:
 - If acting as a reference, making a recommendation or performing ministerial acts that are normal functions of the position held.
 - If the personnel action involves a relative or member of the household who is an unpaid volunteer.
 - Members of the Oregon Legislative Assembly may employ relatives on their personal staff.

PUBLIC OFFICIALS CAN:

1. Public officials may accept any part of their **official compensation package** from their public employer. *[ORS 244.040(2)(a) and see compensation package defined in OAR199-005-0035(3)]*
2. Public officials may solicit and accept **honorarium, a certificate, plaque, commemorative token or other items** with a value of less than \$50. *[ORS 244.040(2)(b) and ORS 244.042(3)(a)]*
3. Public officials and candidates may solicit and accept **honoraria** for services related to the public official's private profession, occupation, avocation or expertise. *[ORS 244.042(3)(b)]*
4. Public officials may request and accept the **reimbursement of expenses** from their public employer for expenses incurred while on official business. *[ORS 244.040(2)(c) and see reimbursed expenses defined in OAR199-005-0035(4)]*
5. Public officials may accept **unsolicited awards for professional achievement**. *[ORS 244.040(2)(d)]*
6. A public official, a relative of a public official or a member of the public official's household may accept **gifts** from a source when it is reasonable to believe that the **source does not have a legislative or administrative interest** in the public official's governmental agency. *[ORS 244.040(2)(f)]*
7. When it is reasonable to believe that the **source has a legislative or administrative interest** in a public official's governmental agency, the public official, a relative of a public official or a member of the public official's household may accept gifts when the aggregate value in one calendar year from a single source does not exceed \$50. This prohibition also applies to candidates for a position with a governmental agency. *[ORS 244.025(1)]* Sources are also prohibited from offering gifts exceeding \$50. *[ORS 244.025(2) and ORS 244.025(3)]*
8. Public officials **may accept gifts** when the item or event is a specific exception from the definition of "gift" as described in ORS 244.020(5)(b). *[ORS 244.040(2)(g)]* Those events or items that are excluded from the definition of a "gift" are identified in the gift section of this guide.
9. Public officials may accept contributions to their **legal expense trust fund** established under ORS 244.209. *[ORS 244.020(2)(h)]*

GIFTS

A gift is something given to a public official, a relative of the public official or a member of the public official's household when there is no payment, or payment is for a discounted price, and the opportunity (gift) is not available to others who are not public officials on the same terms or conditions. [ORS 244.020(5)(a)]

The following are **NOT GIFTS** and may be accepted:

- Campaign contributions as defined in ORS 260.005. [ORS 244.020(5)(b)(A)]
- Contributions to a legal expense trust fund established under ORS 244.209. [ORS 244.020(5)(b)(G)]
- Gifts from relatives or members of the public official's household. [ORS 244.020(5)(b)(B)]
- 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(5)(b)(C) and see resale value discussed in OAR199-005-0010]
- Publications, subscriptions or other informational material related to the public official's duties. [ORS 244.020(5)(b)(D)]
- Waivers or discounts for registration or materials related to continuing education to satisfy a professional licensing requirement. [ORS 244.020(5)(b)(J)]
- Entertainment for a public official, a relative of the public official or a member of the public official's household that is incidental to the main purpose of the event. [ORS 244.020(5)(b)(M) and see "incidental" defined in OAR199-005-0025(3)]
- 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 governing agency for a ceremonial purpose. [ORS 244.020(5)(b)(N) and see "ceremonial" defined in OAR199-005-0025(5)]
- Food, beverage and admission for a public official, a member of the public official's household or staff when the public official is scheduled to speak or answer questions at an organization's reception, meal or meeting. [ORS 244.020(5)(b)(E) and see this exception discussed in OAR199-005-0015]
- Food and beverage consumed at a reception where the food and beverage is an incidental part of the reception and there was no admission charged. [ORS 244.020(5)(b)(L) and OAR199-005-0025(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(5)(b)(K)]*
- Food, lodging or travel expenses if a public official is scheduled to speak, make a presentation, participate on a panel or represent a government agency at a convention, 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 certain tax-exempt not-for-profit organizations. *[ORS 244.020(5)(b)(F) and see definition of terms for this exception in OAR 199-005-0020]*
- Food, lodging or travel expenses for a public official, a relative of the public official or a member of the public official's household or staff may be accepted when the public official is representing the government agency or special district at one of the following: *[ORS 244.020(5)(b)(H) and see definition of terms for this exception in OAR 199-005-0020]*
 - Officially sanctioned trade promotion or fact-finding mission;
 - Officially designated negotiation or economic development activity when receipt has been approved in advance.
- Food and beverage when acting in an official capacity in the following circumstances: *[ORS 244.020(5)(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;
 - When the office of the Treasurer is engaged in business related to proposed investment or borrowing;
 - 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.
