



EthicsMatters

In this issue >>> Gifts

- Legislative & Administrative Interest
- Travel Gift Exception
- Is it a Gift? Flowchart
- Requesting Advice
- Commission Updates

Commission Members

- Dave M. Fiskum, Chair
- Amber A. Hollister, Vice-Chair
- Dan Mason
- Karly Edwards
- Shawn Lindsay
- Alicia A. McAuley
- Jonathan Thompson
- Vacancy (1)
- Vacancy (2)

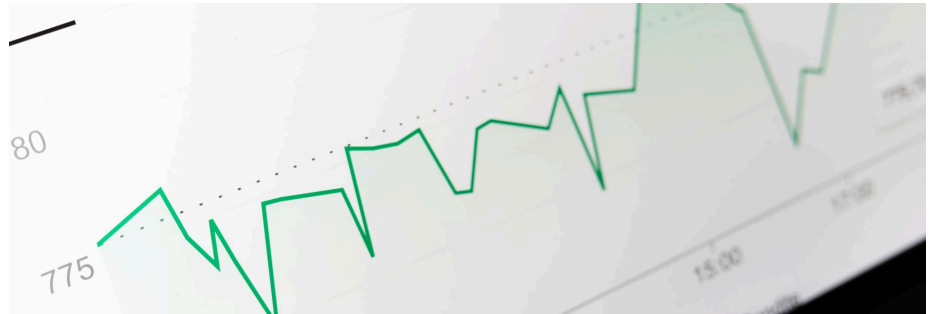
Staff

- Ronald A. Bersin, Executive Director
- Susan Myers, Compliance & Education Coord.
- Becky Maison, Operations & Policy Analyst 2
- Hillary Murrieta, Investigator
- Monica Walker, Investigator
- Stephanie Heffner, Trainer
- Vacancy, Trainer
- Kathy Baier, Administrative Staff
- David Hunter, Administrative Staff

Oregon Government Ethics Commission

3218 Pringle Road SE, Suite 220
 Salem, Oregon 97302
 503-378-5105

mail@ogec.oregon.gov
www.oregon.gov/ogec



What is a Legislative or Administrative Interest?

During a calendar year, a public official, or their relative or household member, may not solicit or receive any gift(s) valued in excess of \$50 from a source that could reasonably be known to have a legislative or administrative interest. [ORS 244.025(1)]

To know if you can accept a gift or offer, you will need to determine whether the source of the gift could have a legislative or administrative interest in your decisions or votes as a public official.

A legislative or administrative interest is an economic interest, distinct from that of the general public, in any matter subject to the public official's decisions or votes. [ORS 244.020(10)]. So if a public official is in a position to take action or make a decision that could have an economic effect on the source of the gift, and if that economic effect is distinct from the effect on the general public, then the source of the gift has a legislative or administrative interest in the public official's decisions or votes.

An economic interest distinct from that of the general public is when an action affects the source of the gift in a different way or to a greater degree than it affects the general public. For example, a tuition increase will affect all registered students; however, a decision to award a scholarship to Becky has an economic effect on her that is distinct from the effect on the general public.

Continued on page 2

What Is a Legislative or Administrative Interest? (Continued)

Remember:

- If the source of a gift or offer *could have* a legislative or administrative interest in your decisions or votes as a public official, you cannot accept the gift/offer if it exceeds \$50 from that source in a calendar year.
- If the source of a gift or offer *could not have* a legislative or administrative interest in your decisions or votes as a public official, you can accept the gift/offer, regardless of value.



Looking For A Speaker For An Event, Staff Training, Or Board Workshop?

OGEC's skilled trainers offer free customized one - two hour trainings on:

- Oregon Government Ethics law
- Executive Session provisions of Public Meetings law
- Lobby Registration law

Participants will hear real world examples, be able to ask questions, and walk away with resources that will help them comply with the law.

More information can be found online at oregon.gov/ogec/training or contact us at training@ogec.oregon.gov.

Examples of Legislative & Administrative Interests

There are many examples of legislative or administrative interests. Here are just a few:

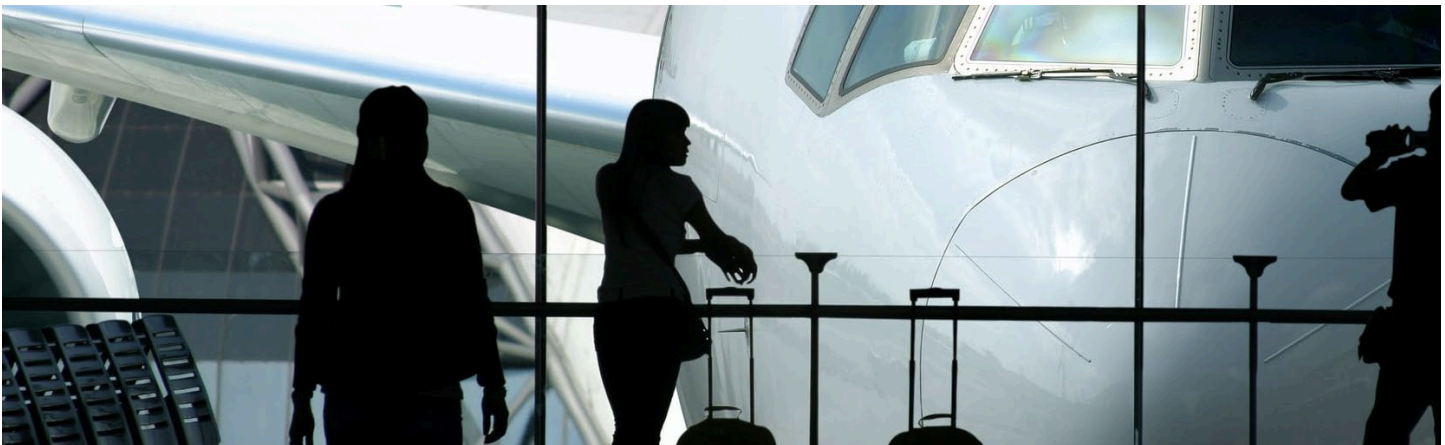
- A cell phone provider has a legislative or administrative interest in a District Board Member who can vote to award a contract to that provider.
- A resort owner has a legislative or administrative interest in an agency administrator who can authorize travel plans for their employees.
- A property owner has a legislative or administrative interest in a city councilor or planning commissioner who can approve their development application.
- A public employee has a legislative or administrative interest in their boss, who can promote them or give them a raise.

How Are We Doing?

OGEC is conducting our annual customer satisfaction survey. Your comments help us determine what we are doing right and what we can improve upon.

[2022 Customer Satisfaction Survey](#)

We appreciate you taking a few minutes to share your thoughts and participate in the survey by August 31, 2022.



Invited To An Event?

With the excitement of being able to meet in person again, invitations to events are everywhere. Sometimes these invitations come with an offer to pay for your expenses. There are two exceptions to the definition of gift in ORS 244.020(7) which may allow public officials to accept such offers. Let's take a closer look at one of these provisions: ORS 244.020(7)(b)(F).

Public officials may accept payment of reasonable expenses paid by specific entities for attending conventions, fact-finding missions or trips, conferences, or other meetings. To qualify for this exception, the public official must be representing their government body, delivering a speech, making a presentation, or participating in a panel discussion at the event.

For this exception, what specific entities can pay for the expenses?

- Government entities: units of federal, state or local government
- Native American tribes that are federally recognized or formally acknowledged by a state
- Membership organizations to which a public body pays membership dues
- 501(c)3 nonprofit corporations

If you receive an offer to pay your expenses to attend an event or tour, remember Commission staff are always available by phone or email to provide guidance on whether you can accept the offer.

What Is A Fact-Finding Mission?

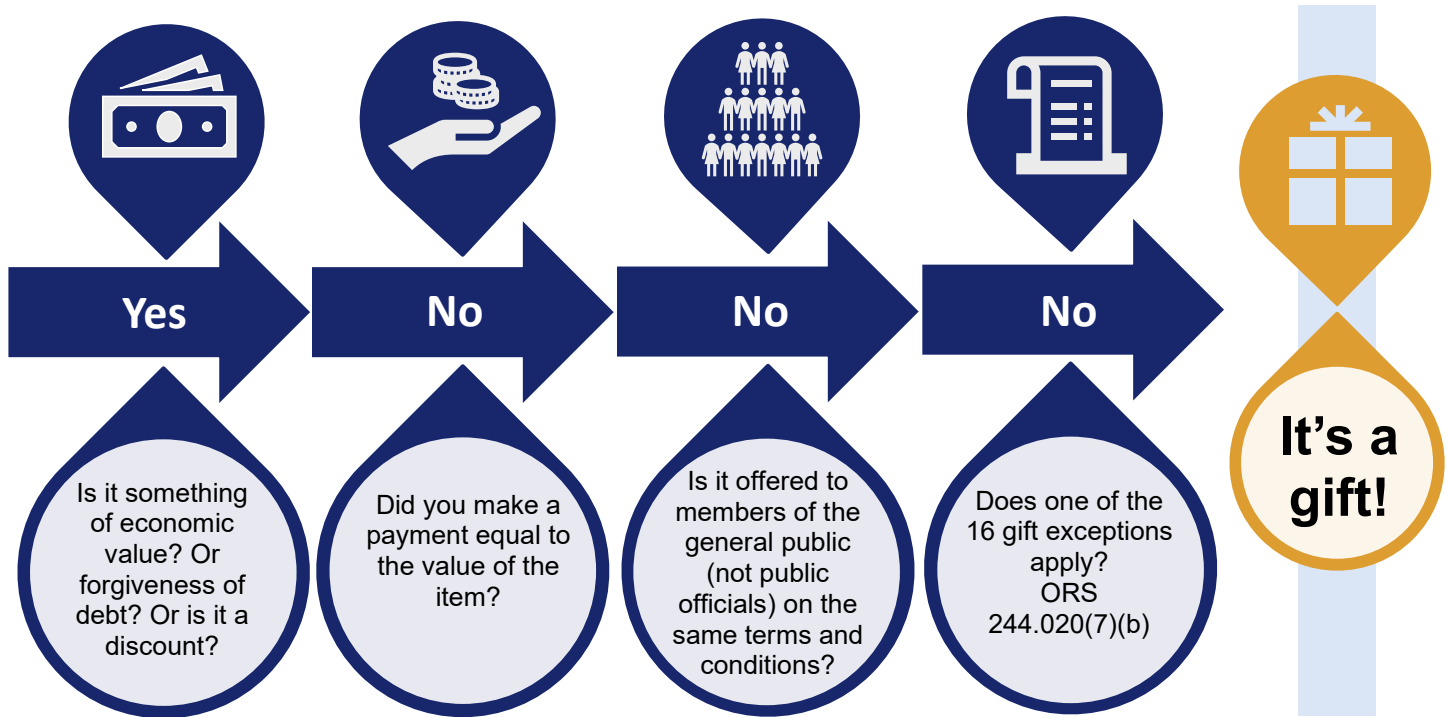
Activities directly related to the public official's duties that:

- have a cultural or educational purpose
- provide intergovernmental assistance, such as for the purpose of international aid or sharing best practices
- develop intergovernmental relationships

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

Step 1: Is it a gift?

The restrictions in ORS 244.025 limit gifts that can be accepted by a public official, candidate, or a relative, or member of the household of a public official or candidate.



Step 2: Legislative or Administrative Interest?

Who is the source of the gift?

The source is the ultimate payer of the expense.
OAR 199-005-0030

Does the source have a legislative or administrative interest?

Are you in a position where you could take official action that could have an economic impact on the source of the gift that is distinct from that of the general public? ORS 244.020(10)

What is the value of the gift?

What is the fair market value of the item. OAR 199-005-0005

You must keep track of the value of all gifts from the same source during the calendar year.

Step 3: Can you accept the gift?



Advice Requests

One of OGEc's core functions is to provide advice on the laws within its jurisdiction. OGEc staff may only provide advice on future or hypothetical scenarios, not events that have already occurred. OGEc staff provide informal advice, by phone or email, as well as written staff advice and advisory opinions.

Staff Advice

If a complaint is filed and a violation found, the Commission will consider a public official's good faith reliance on staff advice before imposing a penalty. [ORS 244.284]

Staff Advisory Opinion

If a complaint is filed and a violation found, the Commission may only issue a letter of reprimand or education to a public official who acted in good faith reliance on a staff advisory opinion. [ORS 244.282]

Commission Advisory Opinion

If a complaint is filed and a violation found, the Commission may not impose a penalty on a public official for any good faith action taken in reliance on a commission advisory opinion. [ORS 244.280]

Request Advice



OGEc Office
503-378-5105



E-mail
mail@ogec.oregon.gov

Finding Issued Advice

Advice issued by the Commission is available to view online. Advice in the OGEc database is searchable and available at anytime.

To search and view advice visit the OGEc database
oregon.gov/OGEc/CMS/Advice

Welcome Hillary Murrieta



In March, Hillary joined OGEc as an Investigator. We asked Hillary a few questions to get to know her.

Tell us about your background?

I graduated from the University of Oregon with a political science degree. After college, I spent six months as an au pair in Cartagena, Spain. When I returned, I found a job with Metropolitan Public Defender in Washington County, first as a legal assistant and then as an investigator. I spent over three years doing misdemeanor, minor and major felony, dependency, and delinquency cases. I then spent about eight months with the Parent Child Advocacy Division of the Multnomah County Office.

What inspired you to apply for OGEc?

I knew I wanted to continue being an investigator and was incredibly lucky to stumble across the position with OGEc; it piqued my interest immediately. I've always wanted to learn more about local governments across Oregon, so the ability to combine that with doing investigative work was a win-win for me.

Any hobbies or passions?

I am in a book club called "Women Who Read and Drink." I enjoy needlepointing, hiking/walking with my dog Buffy, watching trashy reality tv, playing Dungeons and Dragons, and anything The Witcher (tv, books, video game).

Commission Updates



It is always difficult saying “Goodbye” to Commissioners. Commissioner Robert Johnson joined OGEc in November of 2021 and we were excited to have him as part of the Commission. In May, Commissioner Johnson was elected judge and on June 7th, 2022, he was appointed to Oregon 16th Judicial District Circuit Court.

What inspired you to apply to be a member of the Oregon Government Ethics Commission?

Ethics is a central part of my personal and professional life. I thought that my personal perspectives and professional experience would serve Oregonians perfectly on OGEc.

Unfortunately, my stay was short, but I am confident that OGEc is in good hands as I transition on to the circuit court bench.

What aspect of the Commission did you enjoy or appreciate the most?

I appreciated the collaborative nature of the commission. The other commissioners were extremely helpful and professional, and it really made my service an enjoyable experience.

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

I feel like serving on the commission is about moving things in the right direction. Of course, accountability is a part of that, but I really respect how OGEc is committed to education and making sure that Oregonians are protected by addressing issues creatively and compassionately.

We wish Judge Johnson all the best in his new role.

OGEc Commissioners are allowed to serve on multiple boards or agencies, but they cannot be a part of both the Judicial and Executive branches of government at the same time. Commissioner Johnson had to step down from the Commission once sworn in as a circuit court judge because the circuit court is part of the Judicial branch and OGEc is part of the Executive branch.

Join OGEc!

Have you considered representing your fellow Oregonians by serving as an OGEc Commission member? Commission members are vital participants in statewide decision-making.

The Oregon Government Ethics Commission meets on Fridays, every six weeks to decide on alleged violations of the Government Ethics law, Lobby Regulations, and executive session provisions of Public Meetings law. Commissioners can join the meeting in-person or virtually.

Apply through [Workday!](#)

Upcoming Commission Meetings



- August 19, 2022
- September 23, 2022

Find out more under the OGEc meeting section at oregon.gov/ogec

Oregon Government Ethics Commission

3218 Pringle Road SE
Suite 220
Salem, OR 97302

(503) 378-5105

mail@ogec.oregon.gov
www.oregon.gov/OGEC