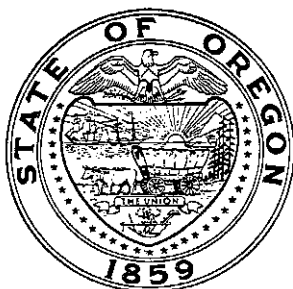


ETHICS GUIDE
for
PUBLIC OFFICIALS



Oregon Government Ethics Commission
102 PUBLIC SERVICE BUILDING
SALEM, OREGON 97310

January, 1980

THE LEGISLATIVE ASSEMBLY HEREBY DECLARES THAT A PUBLIC OFFICE IS A PUBLIC TRUST, AND AS ONE SAFEGUARD FOR THAT TRUST, THE PEOPLE REQUIRE ALL PUBLIC OFFICIALS TO ADHERE TO THE CODE OF ETHICS SET FORTH IN ORS 244.040

ORS 244.010



ETHICS COMMISSION

Established:

January, 1975

The people of Oregon enacted a statewide conflict of interest law and a code of ethics for public officials in the 1974 General Election.

Composition:

Seven members

Method of Selection:

Three members are appointed by the Governor and one each by the majority and minority parties of each House.

Restrictions:

- Public officials required to file Statements of Economic Interest are ineligible for appointment to the Ethics Commission.
- Appointees are limited to one four year term.
- No more than four members from the same political party may serve at one time.

Responsibilities:

Enforcement of ORS Chapter 244
Render advisory opinions
Initiate, receive and consider charges of alleged violations
Hold hearings, administer oaths and issue subpoenas
Adopt rules and regulations

Staff:

The Commission has a fulltime staff

Office:

102 Public Service Building
Salem, Oregon 97310

Mailing Address:

Oregon Government Ethics Commission
102 Public Service Building
Salem, Oregon 97310

Telephone:

Salem 378-5105
Other Areas
Toll Free 1-800-452-7813

ETHICS COMMISSION



CONFLICT OF INTEREST LAW

Applicability:

This law applies to you if you are a public official. You are a "public official" if you serve in a governmental capacity for the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employe, agent or otherwise, irrespective of whether you are compensated for such services.

Potential Conflict of Interest:

Potential conflict of interest exists in any transaction where a person acting in a capacity as a public official takes any action or makes any decision or recommendation, the effect of which would be to the person's private pecuniary benefit or detriment.

Exceptions:

- 1) Cases where the public official is required by law to hold an interest or membership in a particular business, industry or occupation.
- 2) Cases where the public official's action affects to the same degree all inhabitants of the state or a large class of people with which the public official is associated.

Example: A legislator owning an automobile need not declare a potential conflict of interest prior to voting on a bill raising registration fees for all automobile owners.

Methods of Handling Potential Conflicts of Interest:

Oregon law requires that public notice be given by every public official encountering a potential conflict of interest. When a public official gives notice of a potential conflict of interest, the potential conflict must be reported in the official records of the public body. Disposition of the potential conflict remains at the discretion and determination of the public official and the public agency involved. See ORS 244.120 and ORS 244.130 for details.

CONFLICT OF INTEREST LAW



STATEMENTS OF ECONOMIC INTEREST

Who Must File:

1. Statewide elected officials, district attorneys, members of the legislature, judicial officers, candidates for the above and candidates for U.S. Senator or Representative.
2. Certain state employes (primarily department heads), members of 26 state boards and commissions (see ORS 244.050 for details).
3. City and county elected officials in those cities and counties voting in favor of the filings.
4. City and county planning, zoning or development commission members in cities and counties voting in favor of the filings.

When to File:

1. Annually on or before April 15. Forms cover the previous calendar year.
2. Within 30 days after ceasing to hold office. Form covers from beginning of calendar year until date you cease holding office.
3. By April 15 next after the primary election filing deadline for statewide office, district attorney or judicial office, or within 30 days of the general election if not a primary election candidate.
4. Statements postmarked on or before the due date will be accepted as filed on the due date.

Forms and Filing:

Statements of Economic Interest may be obtained and filed with the

Oregon Government Ethics Commission
102 Public Service Building
Salem, Oregon 97310

Status of Records:

Records of the Commission are public records.

Penalty for Failure to File:

Public Officials failing to file on or before April 15 could be assessed a \$1,000 civil penalty. Civil penalties are due and payable after hearing. Public Officials refusing to file after a hearing has been granted and a civil penalty has been imposed are barred from continuing to exercise their public duties. Candidates failing to file on or before the Ethics Commission candidate filing deadline may be removed from the ballot.



CODE OF ETHICS
for
PUBLIC OFFICIALS

Prohibitions:

1. Public officials are prohibited from using their official position to obtain financial gain for themselves, their household or businesses with which they or any member of their household is associated.
2. Public officials are prohibited from using confidential information gained by reason of their public office for private gain.
3. Public officials are prohibited from receiving or soliciting promises of future employment based on any understanding that their official action would be influenced by the promise.
4. Public officials are prohibited from receiving or soliciting during any calendar year any gift or gifts with an aggregate value of over \$100 from any source who could reasonably be known to have a legislative or administrative interest in the public official's office.

See ORS 244.040 for details.



ADVISORY OPINIONS

Who May Request an Advisory Opinion:

Any person.

Form:

The request must be in writing and signed by the person requesting the opinion.

Effect:

The advisory opinion is binding unless material facts were omitted or misstated.

Advisory Opinions:

The Commission may issue opinions on the requirements of ORS Chapter 171 and 244, based on actual or hypothetical circumstances.



INVESTIGATIONS: Procedures and Penalties

Who May Bring Charges of Alleged Violation of the Ethics Law:

Any person who believes that a public official has violated the provisions of ORS Chapter 244 may submit a signed complaint.

The Commission.

How Does a Citizen Bring a Charge:

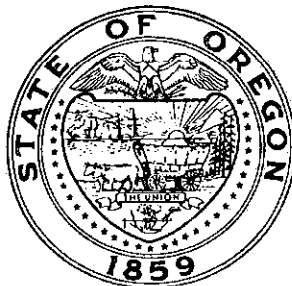
File a signed complaint with the Commission setting forth the name and public position of the alleged violator, and describing the facts constituting the alleged violation.

What are the Penalties:

Violation of the Code of Ethics (ORS 244.040(1)-(5)) could result in a \$1,000 civil penalty.

Failure to declare a potential conflict of interest (ORS 244.120 and 244.130) could result in a \$1,000 civil penalty.

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ORS 244.010

Oregon Government Ethics Commission

560 Justice Building
Salem, OR 97310

January, 1981



CONFLICT OF INTEREST LAW

Applicability:

This law applies to you if you are a Public Official.

You are a Public Official if you:

- serve any public body in the state (e.g., state, county, city, district, advisory board)
- in any capacity (e.g., officer, employe, agent or otherwise),
- whether or not you are paid.

CODE OF ETHICS

Applicability:

The Code of Ethics applies to you if you are a Public Official.

You are a Public Official if you:

- serve any public body in the state (e.g., state, county, city, district, advisory board).
- in any capacity (e.g., officer, employe, agent or otherwise),
- whether or not you are paid.

Prohibitions:

1. You may not use your public office to obtain financial gain for:
 - Yourself
 - Your household; or
 - A business with which you or a member of your household is associated.
2. You may not use confidential information received because of your public office for private gain.
3. You may not solicit or receive a promise of future employment with the understanding the promise of employment will influence your official action.
4. You may not solicit or receive during a calendar year gifts with an aggregate value of over \$100 from a source that has a legislative or administrative interest in your office.

(Gifts from relatives, campaign contributions, or travel reimbursement from the host or sponsor of an official event are not prohibited.)

For details, see ORS 244.020 and 244.040.

Potential Conflict of Interest:

Potential conflict of interest exists when you:

- are acting as a public official and
- take any action
- the effect of which would be to your private financial gain or loss.

Potential conflict of interest does NOT exist when your financial gain or loss arises because:

1. you have an interest or membership required by law before you may hold your public office;
or
2. your action affects to the same degree all people in Oregon or a large class of people with which you are associated.

Example: A legislator owning a car need not declare a potential conflict of interest before voting on a bill raising registration fees for all car owners.

How to Handle a Potential Conflict of Interest:

1. If you are an elected official or an appointed board or commission member:
You must give public notice before taking action.
2. If you are a State Senator or State Representative:
You must give public notice according to the rules of your House before voting.
3. If you are a judge:
You must remove yourself from the case or notify the parties to the case.
4. If you are an appointed official not mentioned above (e.g., employe):
You must notify your appointing authority in writing.
Your appointing authority will decide how to handle the potential conflict of interest.

IMPORTANT: Your disclosure of a potential conflict of interest must be part of the record of your public body (e.g., the minutes).

For details see ORS 244.020 (4), 244.120 and 244.130.



STATEMENTS OF ECONOMIC INTEREST

What is an SEI?

A Statement of Economic Interest (SEI) is a form which asks several questions about your sources of income.

You Must File If You Are A:

1. Candidate for U.S. Senator or Representative.
2. Statewide elected official, state legislator, or district attorney, or a candidate for the office.
3. Judge or justice of the peace, or a candidate for either. (Certain municipal judges and candidates for those offices, and certain pro tem judges need not file. For details, see ORS 244.050.)
4. Listed state employes (primarily department heads) or a member of one of 26 state boards and commissions. (For details, see ORS 244.050.)
5. City or county elected official, if your city or county voted for filings.
6. City or county planning, zoning or development commission member, if your city or county voted for filing.
7. City or county chief executive officer performing duties as manager, if your city or county voted for filing.
8. Member of a local government boundary commission.
9. Member of the governing body, or executive officer, of a metropolitan service district.
10. Director of the State Accident Insurance Fund Corporation.

When you File:

Annual SEI's:

Annually not later than April 15. Information is reported for the previous calendar year (similar to income tax reporting).

Supplemental SEI's:

Within 30 days after you leave office. Information is reported from beginning of calendar year until date you left office.

Candidates:

1. If you are a candidate, not later than April 15 after the primary election filing deadline.
2. If you are a candidate in the general election, but were NOT a candidate in the general election within 30 days after the general election filing deadline.
(Statements postmarked on or before the due date will be accepted as filed on the due date.)

How You File:

1. Annual Statements of Economic Interest are sent to you by the OGEC in February.
2. Candidates' SEI's are sent to you by the OGEC following the filing deadline.
3. Supplemental SEI's are sent to you by the OGEC upon notice of your termination by your appointing authority, city recorder, county clerk, etc.

Status of Records:

Records of the Commission are public records.

Penalty for Failure to File:

1. You could be assessed a \$1,000 civil penalty, due after a hearing.
2. In addition:
 - A. If you are a candidate, your name will be removed from the ballot.
 - B. If you are a public official, after a hearing and civil penalty, you will be barred from exercising your public duties.



ADVISORY OPINIONS

To help you understand the laws, the Commission will issue opinions on the requirements of ORS chapters 171 (Lobby Regulation Laws) and 244 (Governmental Ethics Laws).

Who May Request an Advisory Opinion:

Any person with a question regarding the laws.

Form:

- The opinion request may be based upon actual or hypothetical situations.
- The request must be in writing and signed by the person requesting the opinion.

INVESTIGATIONS: Procedures and Penalties

How to Bring a Complaint of Violation of The Ethics Law:

Any person who believes that a public official has violated a provision of ORS chapter 244 may file:

- a signed complaint
- stating the name and office of the alleged violator, and
- describing the facts of the alleged violation.

What Does the Commission Do When It Receives a Complaint?

When the Commission receives a complaint of an ethics law violation, it investigates to determine if there is probable cause to believe a violation has occurred. If probable cause exists, a contested case hearing will be held to determine if a violation has occurred.

What Is the Penalty for Violation of an Ethics Law?

1. If you violated the Code of Ethics (ORS 244.040):
 - A. You could be assessed a \$1,000 civil penalty.
 - B. In addition, if you profited from your violation, you must forfeit twice the amount realized.
2. If you fail to declare a potential conflict of interest, (ORS 244.120 and 244.130) you could be assessed a \$1,000 civil penalty.

ETHICS COMMISSION

Established:

January, 1975

Composition:

Seven members

Method of Selection:

Three members are appointed by the Governor and one each by the majority and minority parties of each House.

Restrictions:

Public officials required to file Statements of Economic Interest are ineligible for appointment to the Commission.

Appointees are limited to one four year term.

No more than four members from the same political party may serve at one time.

Responsibilities:

Enforce ORS chapter 244

Give advisory opinions.

Initiate, receive and consider charges of violations.

Hold hearings, administer oaths and issue subpoenas.

Adopt rules.

Status of Records:

Records of the Commission are public records.

Staff:

The Commission has a fulltime staff.

Address:

Oregon Government Ethics Commission
560 Justice Bldg.
Salem, Oregon 97310

Telephone:

Salem	378-5105
Other Areas	
Toll Free	1-800-452-7813



ETHICS GUIDE

for

PUBLIC OFFICIALS

Oregon Government Ethics Commission
700 Pringle Parkway SE, 1st Floor
Salem, OR 97310-1360

March 1986



Oregon's government ethics laws are prefaced with the statement, "... a public office is a public trust." Accordingly, the laws are designed to assure that public officials take action in the interest of the general public.

This guide is provided to assist you, as a public official, to understand your rights and responsibilities under Oregon's government ethics laws.

The Oregon Government Ethics Commission commends you in your service to the citizens of Oregon.



ADVISORY OPINIONS

To help you understand the laws, the Commission will issue opinions on the requirements of ORS chapters 171 (Lobby Regulation Laws) and 244 (Governmental Ethics Laws).

Who May Request an Advisory Opinion:

Any person with a question regarding the laws.

Form:

- The opinion request may be based upon actual or hypothetical situations.
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INVESTIGATIONS: PROCEDURES & PENALTIES

How to Bring a Complaint of Violation of The Ethics Law:

Any person who believes that a public official has violated a provision of ORS chapter 244 may file:

- a signed complaint
- stating the name and office of the alleged violator, and
- describing the facts of the alleged violation.

What Does the Commission Do When It Receives a Complaint?

When the Commission receives a complaint, it conducts a review to determine if there is probable cause to believe a violation has occurred. If probable cause exists, a formal, contested case hearing must be held before a penalty may be assessed.

What Is the Penalty for Violation of an Ethics Law?

1. You could be assessed up to a \$1,000 civil penalty for each violation.
2. In addition, if you profited from your violation, you must forfeit twice the amount realized.

ETHICS COMMISSION

Established:

January, 1975

Composition:

Seven members

Method of Selection:

Three members are appointed by the Governor and one each by the majority and minority parties of each House.

Restrictions:

Public officials required to file Statements of Economic Interest are ineligible for appointment to the Commission.

Appointees are limited to one four year term.

No more than four members from the same political party may serve at one time.

Responsibilities:

Enforce ORS Chapters 171.725-.785 and 244
Give advisory opinions.

Initiate, receive and consider charges of violations.
Hold hearings, administer oaths and issue subpoenas.

Adopt rules.

Status of Records:

Records of the Commission are public records.

Staff:

The Commission has a fulltime staff.

Address:

Oregon Government Ethics Commission
700 Pringle Parkway SE, 1st Floor
Salem, Oregon 97310-1360

Telephone:

Salem 378-5105



STATEMENTS OF ECONOMIC INTEREST

What is an SEI?

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You Must File If You Are A:

1. Candidate for U.S. Senator or Representative.
2. Statewide elected official, state legislator, or district attorney, or a candidate for the office.
3. Judge or justice of the peace, or a candidate for either. (Certain municipal judges and candidates for those offices, and certain pro tem judges need not file. For details, see ORS 244.050.)
4. Listed state employees (primarily department heads) or a member of one of 26 state boards and commissions. (For details, see ORS 244.050.)
5. City or county elected official, if your city or county voted for filings.
6. City or county planning, zoning or development commission member, if your city or county voted for filing.
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8. Member of a local government boundary commission.
9. Member of the governing body, or executive officer, of a metropolitan service district.
10. Director of the State Accident Insurance Fund Corporation.

When you File:

— Annual SEI's:

Annually not later than April 15. Information is reported for the previous calendar year (similar to income tax reporting).

— Supplemental SEI's:

Within 30 days after you leave office. Information is reported from beginning of calendar year until date you left office.

— Candidates:

1. If you are a candidate, not later than April 15 after the primary election filing deadline.
2. If you are a candidate in the general election, but were NOT a candidate in the primary election, within 30 days after the general election filing deadline.

Note: Statements postmarked on or before the due date will be accepted as filed on the due date.

How You File:

1. Annual Statements of Economic Interest are sent to you by the OGEC in February.
2. Candidates' SEI's are sent to you by the OGEC following the filing deadline.
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Status of Records:

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Penalty for Failure to File:

1. You could be assessed a \$1,000 civil penalty, due after a hearing.
2. In addition:
 - A. If you are a candidate, your name will be removed from the ballot.
 - B. If you are a public official, after a hearing and civil penalty, you will be barred from exercising your public duties.



CODE OF ETHICS

Applicability:

The Code of Ethics applies to you if you are a Public Official.

You are a Public Official if you:

- serve any public body in the state (e.g., state, county, city, district.)
- in any capacity (e.g., officer, employe, agent or otherwise),
- whether or not you are paid.

Prohibitions:

1. You may not use your public office in any way to obtain financial gain for:
 - Yourself
 - Your household; or
 - A business with which you or a member of your household is associated.

2. You may not use confidential information received because of your public office for private gain.

3. You may not solicit or receive a promise of future employment with the understanding the promise of employment will influence your official action.

4. You may not solicit or receive during a calendar year gifts with an aggregate value of over \$100 from a source that has a legislative or administrative interest in your office.

(Gifts from relatives, campaign contributions, or your own travel reimbursement from the host or sponsor of an office related event are not prohibited.)

For details, see ORS 244.020 and 244.040.

CONFLICT OF INTEREST LAW

Applicability:

Same as "Code of Ethics" above.

Potential Conflict of Interest:

Potential conflict of interest exists when you:

- are acting as a public official and

— take any action, (i.e., vote, debate, recommend or discuss)

— the effect of which would be to your private financial gain or loss.

Potential conflict of interest does NOT exist when your financial gain or loss arises because:

1. you have an interest or membership required by law before you may hold your public office;

or

2. your action affects to the same degree all people in Oregon or a large class of people with which you are associated.

Example: A legislator owning a car need not declare a potential conflict of interest before voting on a bill raising registration fees for all car owners.

How to Handle a Potential Conflict of Interest:

1. If you are an elected official or an appointed board or commission member:

You must give public notice before taking action.

2. If you are a State Senator or State Representative:

You must give public notice according to the rules of your House before voting.

3. If you are a judge:

You must remove yourself from the case or notify the parties to the case.

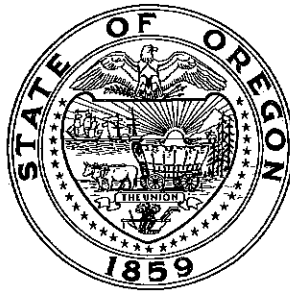
4. If you are an appointed official not mentioned above (e.g., employe):

You must notify your appointing authority in writing.

Your appointing authority will decide how to handle the potential conflict of interest.

IMPORTANT: 1. Note that mere disclosure of potential conflict of interest does not permit you to take action which is otherwise prohibited by the Code of Ethics, above. 2. Your disclosure of a potential conflict of interest must be part of the record of your public body (e.g. the minutes). For details see ORS 244.020(4), 244.120 and 244.130.

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Oregon Government Ethics Commission
155 Cottage Street NE
Salem, OR 97310

March, 1985



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January, 1975

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Three members are appointed by the Governor and one each by the majority and minority parties of each House.

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Appointees are limited to one four year term.

No more than four members from the same political party may serve at one time.

Responsibilities:

Enforce ORS Chapters 171 and 244
Give advisory opinions.

Initiate, receive and consider charges of violations.

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Adopt rules.

Status of Records:

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