



# Oregon

Theodore R. Kulongoski, Governor

Oregon Government Ethics Commission

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August 15, 2008

Matt C Markee  
Capitol Club President  
5605 Inland Shores Way, N., #202  
Salem, Oregon 97303

Dear President Markee:

At its August 15, 2008 meeting, the Oregon Government Ethics Commission (Commission) adopted the following advisory opinion:

**OREGON GOVERNMENT ETHICS COMMISSION ADVISORY OPINION NO. 08A-1005**

**STATED FACTS:** During the 2007 session of the Oregon Legislative Assembly revised the Oregon Government Ethics law provided in Chapter 244 of the Oregon Revised Statutes. The changes have prompted many questions as to how the Commission will interpret and apply the statutes to a variety of circumstances. The Commission received a letter that was submitted on behalf of the Capitol Club with a wide range of questions some of which related to the Commission's understanding of the "prohibited use of official position" that is set out in ORS 244.040(1).

Public officials experience a wide variety of circumstances that require them to make decisions as to whether they may accept an opportunity for financial gain or to avoid a financial cost. A clear understanding of what constitutes the prohibited use of an official position or office and how it applies in various circumstances equips a public official to exercise good judgment. That is important because Oregon Government Ethics law places the emphasis on the public official's personal responsibility to avoid the use of an official position or office to obtain a prohibited financial gain or to avoid a financial detriment for the public official, a relative of the public official or a business with which either are associated.



Prohibited use of official position or office is described in ORS 244.040(1) as follows:

A public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public officials holding of the official position or office.

Many of the questions seek clarification as to whether and under what circumstances public officials could accept a financial benefit. ORS 244.040(2) describes the financial benefits that a public official may accept and those are summarized as follows:

- Official compensation package
- Honorarium as permitted in ORS 244.042
- Expenses reimbursed by employer
- Unsolicited awards for professional achievement
- Gifts that do not exceed the limits specified in ORS 244.025
- Gifts received from a source when the source could not be reasonably known to have a legislative or administrative interest in the public official's governmental agency.
- Any item received by a public official, regardless of value, that is expressly excluded from the definition of a gift
- Contributions made to a legal expense trust fund

When ORS 244.040(1) was revised the exceptions related to what financial gain public officials may accept were increased in number. It is important to note that, if the source of a gift does not have a legislative or administrative interest in the governmental agency represented or served by the public official, there is no prohibition or limit on gifts that can be accepted from that source. This was a significant change and has increased the need to understand what constitutes a "legislative or administrative interest" because it is determinative in whether a public official may accept a financial benefit.

In a letter dated 4/21/08 and submitted by Bruce A. Bishop on behalf of the Capitol Club he presented 39 questions as to how the Commission interprets and applies the Oregon Government Ethics law in a variety of circumstances. A number of his questions were related to circumstances in which the prohibition of the use or attempted use of an official position or office may apply.



The Commission has chosen to issue three separate Commission Advisory Opinions in response to the Capitol Club request. This one addresses prohibited use of official position or office. Another opinion addresses the issues related to legislative or administrative interest [Commission Advisory Opinion 08A-1003] and a third addresses issues related to gifts [Commission Advisory Opinion 08A-1004].

**QUESTION:** How does a public official know whether ORS 244.040(1) would apply when they are met with an opportunity to gain a financial benefit or to avoid a personal expense?

**ANSWER:** Oregon Government Ethics law applies to all public officials. It is important to remember who is defined as a public official for the purposes of applying the provisions in ORS Chapter 244. A public official can be a person who is elected or appointed to a position with a governmental agency. A public official can be employed by or volunteer to serve a government agency. Governmental agencies can be state or local agencies or special districts. Public official is defined in ORS 244.020(13) as follows:

“Public official” means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee, agent or otherwise, irrespective of whether the person is compensated for the services.

There are provisions in Oregon Government Ethics law that would apply to actions of a public official that may result in a financial benefit or the avoidance of a financial detriment to the public official. Those same provisions apply to a public official's actions that may result in a financial benefit or the avoidance of a financial detriment of a public official's relative, a member of the public official's household or a business with which any of these are associated.

The key to understanding ORS 244.040(1) is to understand the term “but for.” A public official is prohibited from using the position held as a public official to gain a financial benefit or to avoid a personal expense through an opportunity that would not be available if not for holding the position as a public official.

There are a variety of circumstances to which this provision may apply. A public official cannot use the government agency's resources [compensated time, vehicles, office equipment, supplies] for personal business. It means that a public official may not use agency money for personal expenses, but they can be compensated or reimbursed for personal costs incurred while engaged in official agency business. It also means that when engaged in official business a public

official cannot accept a financial benefit if that opportunity would not be available but for the public official, in an official capacity, being engaged in official business. It does not prohibit a government agency from paying lawfully incurred expenses that may benefit public employees who are participating in agency activities.

The Commission staff receives questions about money or resources provided by a source to a governmental agency. Upon receipt, the government agency decides to use the money or resource in a variety of ways that benefit public officials of the agency and illustrated as follows:

- A scholarship for an employee that includes paid expenses for registration, food, lodging and travel to attend a conference related to official agency business.
- Money, facilities or resources used by the government agency to provide public officials of the agency with an event that includes food, beverage, meals or awards.

Once a person or entity gives a government agency money or other resources it becomes the government agency's asset. A donation to a governmental agency is not a personal benefit to a public official. ORS 244.040(1) addresses a public official's personal use of office and does not address what is given to a government agency. Government agencies decide how to use its assets and some uses may benefit the agency's public officials in the form of compensation, reimbursement or other paid expenses related to official agency activity. A public official from the agency may not convert a donation of money or other resource to the public official's personal benefit as such action may violate ORS 244.040(1).

There are also questions as to the propriety of a government agency using its resources to provide an event that may include meals, beverages or refreshments. The following will illustrate some recurring variations:

- A government agency provides an awards banquet and pays for the facilities, meals and awards for public officials from the agency.
- A government agency gives money to a non-governmental organization and the organization provides a training conference for public officials from the agency that gave a donation as well as public officials from other government agencies.

Again, questions about how government agencies use the agency's resources are not addressed in Oregon Government Ethics law. The issues raised in these illustrations relate to whether a public official may accept what is being offered by the public official's government agency employer or by a non-governmental organization. The answer depends on the source of the benefit and if the source has a legislative or administrative interest in the governmental agency represented by the public official. If a government agency provides an awards banquet for the agency's own employees it would not be prohibited by ORS 244.040(1).

If a non-governmental organization offered a training conference to public officials from various governmental agencies it would be defined as a gift. That means the public officials would have to determine if the organization, source of the offer, had a legislative or administrative interest in the government agency the public officials represent. Identifying the source of a gift and a legislative or administrative interest are discussed in Commission Advisory Opinion 08A-1003 and the topic of gifts is discussed in Commission Advisory Opinion 08A-1004.

**QUESTION:** Would a public official violate Oregon Government Ethics law by accepting compensation or paid expenses from a private employer, personal business or other private organizations?

**ANSWER:** There are nearly 200,000 public officials in Oregon. Some are employees of state or local governmental agencies, but others are elected, appointed or volunteer. Most public officials serve in their official capacities for little or no compensation, which means that they must gain income from other sources like private business ownership or private employment. There are other public officials that, in addition to private employment or business ownership, become involved in activities of various private organizations, such as churches, service organizations, special interest organizations and various associations. Public officials may become members and some gain leadership positions in these organizations. As leaders or members there are occasions when the organization may offer various forms of compensation or reimburse a member or leader for expenses related to organization business.

ORS 244.040(1) prohibits public officials from using their positions to gain financial benefits for themselves, their relatives or businesses with which either are associated. The statute does not prohibit public officials from seeking or accepting financial benefits, such as compensation or reimbursed expenses, from private employment, business ownership or involvement in a private organization, for profit or not.

Public officials who have private interests that provide them with financial benefits are prohibited by ORS 244.040(1) from using the resources of their governmental agency in any private activity that provides a financial benefit to the public official, a relative of the public official or a business with which either are associated. Oregon Government Ethics law also places a requirement on public officials to disclose the nature of conflicts of interest when participating in any official action as a public official on a matter that could or would result in a financial benefit to the public official, a relative of the public official or a business with which either are associated.

The Oregon Government Ethics Commission offers guidelines for public officials to follow when they have private business interests or employment that they pursue when not acting in their official capacities as public officials.

#### **GUIDELINES FOR OUTSIDE EMPLOYMENT OF PUBLIC OFFICIALS**

1. Public officials are not to engage in private business interests or other employment activities on their governmental agency's time.
2. A governmental agency's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests.
3. The position as a public official is not to be used to take official action that could have a financial impact on a private business with which you, a relative or member of your household are associated.
4. Confidential information gained as a public official is not to be used to obtain a financial benefit for the public official, a relative or member of the public official's household or a business with which any are associated.
5. When participating in an official capacity and met with a potential or actual conflict of interest related to a business, associated with the public official, relative or household member, the public official must disclose the nature of the conflict of interest using one of the following methods:

Employees of governmental agencies must give written notice to their appointing authority.

Elected or appointed public officials must publicly disclose once during each meeting convened by the governing body they serve.

In brief, state and local government employees and volunteers as well as elected or appointed officials may pursue personal activities or employment from which they derive income, receive expense reimbursement or other financial benefits. They must however, be mindful of the prohibited use of their public official position for financial gain setout in ORS 244.040(1) and the requirements for disclosing the nature of conflicts of interest in ORS 244.120.

**QUESTION:** When a public official is engaged in official business under what conditions may the public official accept a meal that is offered at no personal cost to the public official?

**ANSWER:** As was discussed in the previous answer, ORS 244.040(1) prohibits a public official from using or attempting to use the public official's position to gain a financial benefit. ORS 244.040(2) provides a specific list of financial benefits that a public official may receive as exceptions to the prohibited use in ORS 244.040(1). Those exceptions include the reimbursement of expenses incurred by a public official by the public official's governmental agency.

What constitutes a reimbursed expense is defined in OAR 199-005-0035 as when payment by a public body to a public official serving that public body, of expenses incurred in the conduct of official duties on behalf of the public body. Any such repayment must comply with any applicable laws and policies governing the eligibility of such repayment. Expenses paid by the public body to their own public officials need not be reported by the public official. [ORS 244.100]

There are a number of common occasions where a public official incurs an expense while engaged in official business and the governmental agency pays for the expense. Those occasions include food, lodging and travel expenses or products and services purchased for the governmental agency. A reimbursed expense may be paid with either of two methods. One the public official incurs the expense and submits a request for reimbursement. The other is when the cost of the public official's expense is known and the agency pays the expense directly to the provider prior to or after the expense was incurred.

This application of the reimbursed expense would include meals provided by the public official's governmental agency to the public official who is engaged in official business in the public official's official capacity and the duration of the official business spans a normal meal time. These are often referred to as a "working lunch."

A "working lunch" is not a term from Oregon Government Ethics law, but is often used in reference to a meal expense paid for by the public official's governmental agency, which would be a reimbursed expense under ORS 244.040(2)(c).

The problem with coining a phrase, such as "working lunch," is that it develops a common usage for meals that may not constitute a reimbursed expense as allowed by Oregon Government Ethics law. If the public official's governmental agency does not pay for the expense, it is not a reimbursed expense and it becomes a question of whether the public official may accept the meal as a gift. Gifts are discussed in more detail in Commission Advisory Opinion 08A-1004, but if payment for the meal of a public official is offered by any other source than the governmental agency of the public official, the public official must determine if the source has a legislative or administrative interest in the public official's agency. Again, a legislative or administrative interest is discussed in Commission Advisory Opinion 08A-1003. If there is no legislative or administrative interest, then ORS 244.040(2)(f) would allow the public official to accept the gift of paid meal expenses. On the other hand, if the source has a legislative or administrative interest, the paid meal expense would constitute a gift and the gift exceptions in ORS 244.020(5)(b) or the gift limitations in ORS 244.025 would apply.

There are many variations to the circumstances wherein a public official may be engaged in official business for the public official's agency that may be referred to as a "working lunch," but the application of Oregon Government Ethics law would vary with each set of circumstances. The following examples are provided to illustrate how the application varies:

A public official meets with other public officials from several different governmental agencies to conduct official business. The host governmental agency provides a "working lunch." The following are possible applications of ORS Chapter 244:

If the host governmental agency has no legislative or administrative interest in the governmental agency of a public official provided a lunch, ORS 244.040(2)(f) would allow the public official to accept the lunch.

If the host governmental agency has a legislative or administrative interest in the governmental agency of a public official provided a lunch, ORS 244.020(5)(b)(F) would allow the public official to accept the lunch as an exception to prohibited gifts. For a more detailed discussion see Commission Advisory Opinion 08A-1004.

A public official meets with other persons who are not public officials to conduct official business. One or more of the participants who are not public officials provide a "working lunch" to the public official. The following are possible applications of ORS Chapter 244:

If the source(s) of the "working lunch" has no legislative or administrative interest in the governmental agency of the public official provided a lunch, ORS 244.040(2)(f) allows the public official to accept the lunch.

If the source(s) of the "working lunch" has a legislative or administrative interest in the governmental agency of the public official provided a lunch, the cost of the lunch would be defined as a gift [ORS 244.020(5)(a)]. ORS 244.025 would limit the aggregate annual value of the lunch or lunches offered and accepted by the public official from a single source to \$50. For a more detailed discussion see Commission Advisory Opinion 08A-1004.

A public official is assigned by the public official's agency to represent the agency in negotiating a collective bargaining agreement. The negotiations are also attended by other public officials and private persons who represent the bargaining unit:

If a "working lunch" is provided during the negotiations by the public official's agency, it is a reimbursed expense to the public official as allowed by ORS 244.040(2)(c).

If a "working lunch" is provided during the negotiations by the private organization representing the bargaining unit, that organization may be a non-profit listed in ORS 244.020(5)(b)(F). If so, it may provide such lunches as an exception to the definition of gift. If not, the organization would have a legislative or administrative interest and the annual aggregate limit of \$50 from a single source would apply. For a more detailed discussion see Commission Advisory Opinion 08A-1004.

**QUESTION:** What are the conditions or restrictions Oregon Government Ethics law places on honoraria offered to and accepted by public officials?

**ANSWER:** Honoraria are addressed in ORS Chapter 244 with provisions that should not be confused with those that address gifts offered to public officials or a public official's use of an official position to gain a prohibited financial benefit.

The use of the word "honoraria" has a common usage when people refer to various forms of payments or gifts given to those who provide some service or make a presentation. In ORS Chapter 244 the words "honoraria" or "honorarium" have a specific meaning and the restrictions on honoraria apply to those benefits that meet that definition. If an item of financial benefit is given to a public official and it is not defined as an honorarium it may be a gift or a financial benefit, both of which are addressed by different provisions in ORS Chapter 244 than honorarium.

The definition of honorarium is given in ORS 244.020(6) as follows:

"Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event.

ORS 244.040(2)(b) allows a public official, a relative of a public official or a member of the public official's household to receive an honorarium or other item as provided in ORS 244.042.

In general ORS 244.042(1) and (2) prohibit a public official from soliciting or receiving honoraria for the public official or any member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official.

There are exceptions to this prohibition described in ORS 244.042(3) and summarized as follows:

- A public official may solicit or receive an honorarium, a certificate, plaque, commemorative token or other item if the value is \$50 or less [ORS 244.042(3)(a)].
- A public official may solicit or receive an honorarium for services if those services relate the public official's private profession, occupation, avocation or expertise [ORS 244.042(3)(b)].

Public officials, their relatives and members of their households may accept honorarium in the form of a certificate, plaque, commemorative token or other item as long as the value of the honorarium does not exceed \$50.

The Commission will apply this limit to each occasion a public official, a relative or a member of the public official's household receives an honorarium in exchange for a speech or other services provided at an event. This means that if an honorarium is given to either the public official, a relative of the public official or a member of the public official's household it must be given in return for the recipient's speech or other service provided at an event [ORS 244.042(3)(a)].

There are public officials, relatives of the public officials or members of public official's households who may have a private profession, occupation, avocation or expertise that they have developed on a particular subject. When a public official, a relative of the public official or a member of the public official's household provides a service related to their private profession, occupation, avocation or a developed expertise honorarium may be accepted and the \$50 limit would not apply in those circumstances.

ORS 244.100(1) places requirements on both the source of honorarium and the public official or member of the public official's household who may receive an honorarium allowed under ORS 244.042. Those requirements are as follows:

- If the value of an honorarium exceeds \$15, the source must inform the recipient in writing of the value. The notice must be given within 10 days after the honorarium was received [ORS 244.042(2)(b)].
- Any public official who is required by ORS 244.050 to file an Annual Verified Statement of Economic Interest form with this Commission must list any honorarium that exceeds \$15 in value as allowed by either exception [ORS 244.042(3)(a) or (b)] on the Quarterly Public Official Disclosure form filed with this Commission. Honorarium listed will include those received by the public official and any member of the public official's household [ORS 244.042(1)(c)].

The statutes relevant to issues addressed in this opinion are provided as an addendum to this Commission Advisory Opinion.

**THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO ORS 244.280. A PUBLIC OFFICIAL OR BUSINESS WITH WHICH A PUBLIC OFFICIAL IS ASSOCIATED SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION.**

**THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN. OTHER LAWS OR REGULATIONS NOT WITHIN THE JURISDICTION OF THE COMMISSION MAY ALSO APPLY.**

Issued by Order of the Oregon Government Ethics Commission at Salem, Oregon on the 15th day of August 2008.

  
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Judith Stiegler, Chairperson

  
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Lynn Rosik, Assistant Attorney General

## ADDENDUM

**RELEVANT STATUTES:** The following Oregon Revised Statutes (ORS) are applicable to the issues that are addressed in this opinion:

**244.010 Policy.** (1) 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.

244.020(1) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (11) of this section.

244.020(5)(a) "Gift" means something of economic value given to a public official or a relative or member of the household of the public official:

244.020(5)(a)(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or members of the household of public officials on the same terms and conditions; or

244.020(5)(a)(B) For valuable consideration less than that required from others who are not public officials.

244.020(5)(b) "Gift" does not mean:

244.020(5)(b)(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.

244.020(5)(b)(E) Admission provided to or the cost of food or beverage consumed by a public official, or a 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 before whom the public official appears to speak or to answer questions as part of a scheduled program.

244.020(5)(b)(F) Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays

membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code and that receives less than five percent of its funding from for-profit organizations or entities, for attendance at a convention, fact-finding mission or trip, or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

244.020(5)(b)(H) Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

- (i) On an officially sanctioned trade-promotion or fact-finding mission; or
- (ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

244.020(5)(b)(L) Food or beverage consumed by a public official 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.

244.020(5)(b)(M) Entertainment provided to a public official or a relative or member of the household of the public official that is incidental to the main purpose of another event.

244.020(5)(b)(N) Entertainment provided to a public official or a relative or member of the household of the public official where the public official is acting in an official capacity while representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 for a ceremonial purpose.

244.020(6) "Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event.

244.020(8) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions,

regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.

244.020(9) "Member of the household" means any person who resides with the public official.

244.020(11) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

244.020(13) Public official means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

244.020(14) "Relative" means:

- (a) The spouse of the public official;
- (b) The domestic partner of the public official;
- (c) Any children of the public official or of the public official's spouse;
- (d) Siblings, spouses of siblings or parents of the public official or of the public official's spouse;
- (e) Any individual for whom the public official has a legal support obligation; or
- (f) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment.

**244.025 Gift limit; entertainment prohibition.** (1) During a calendar year, a public official, a candidate for public office or a relative or member of the household of the public official or candidate 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 in any governmental agency in which the public official holds, or the candidate if elected would hold, any official position or over which

the public official exercises, or the candidate if elected would exercise, any authority.

244.025(2) During a calendar year, a person who has a legislative or administrative interest in any governmental agency in which a public official holds any official position or over which the public official exercises any authority may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of \$50.

**244.040 Prohibited use of official position or office; exceptions; other prohibited actions.** (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

244.040(2) Subsection (1) of this section does not apply to:

- (a) Any part of an official compensation package as determined by the public body that the public official serves.
- (b) The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042.
- (c) Reimbursement of expenses.
- (d) An unsolicited award for professional achievement.
- (e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.
- (f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest in a governmental agency in which the official holds any official position or over which the official exercises any authority.

(g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS 244.020.

(h) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

**244.042 Honoraria.** (1) Except as provided in subsection (3) of this section, a public official may not solicit or receive, whether directly or indirectly, honoraria for the public official or any member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official.

244.042(2) Except as provided in subsection (3) of this section, a candidate for public office may not solicit or receive, whether directly or indirectly, honoraria for the candidate or any member of the household of the candidate if the honoraria are solicited or received in connection with the official duties of the public office for which the person is a candidate.

244.042(3) This section does not prohibit:

(a) The solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or

(b) The solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the public official or candidate.

**244.050 Persons required to file statement of economic interest; filing deadline.** (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

**244.100 Statements of expenses, honoraria or income received; statements to be provided to public official.** (1) A public official or candidate for public office who is required to file a statement of economic interest under ORS 244.050 shall file with the Oregon Government Ethics Commission, according to the schedule set forth in ORS 244.105, a statement showing for the applicable reporting period:

244.100(1)(a) Any expenses with an aggregate value exceeding \$50 received by the public official when participating in a convention, mission, trip or other

meeting described in ORS 244.020 (5)(b)(F). The statement shall include the name and address of the organization or unit of government paying the expenses, the nature of the event and the date and amount of the expenditure.

244.100(1)(b) Any expenses with an aggregate value exceeding \$50 received by the public official when participating in a mission or negotiations or economic development activities described in ORS 244.020 (5)(b)(H). The statement shall include the name and address of the person paying the expenses, the nature of the event and the date and amount of the expenditure.

244.100(1)(c) All honoraria allowed under ORS 244.042 exceeding \$15 received by the public official, candidate or member of the household of the official or candidate, the payer of each honorarium and the date and time of the event for which the honorarium was received.

244.100(2) In addition to statements required under subsection (1) of this section:

244.100(2)(a) Any organization or unit of government that provides a public official with expenses with an aggregate value exceeding \$50 for an event described in ORS 244.020 (5)(b)(F) shall notify the public official in writing of the amount of the expense. The organization or unit shall provide the notice to the public official within 10 days from the date the expenses are incurred.

244.100(2)(b) Any person that provides a public official or a member of the household of a public official with an honorarium or other item allowed under ORS 244.042 with a value exceeding \$15 shall notify the public official in writing of the value of the honorarium or other item. The person shall provide the notice to the public official within 10 days after the date of the event for which the honorarium or other item was received.

**244.120 Methods of handling conflicts; Legislative Assembly; judges; appointed officials; other elected officials or members of boards.** (1) Except as provided in subsection (2) of this section, when met with an actual or potential conflict of interest, a public official shall:

244.120(1)(c) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

244.120(2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

244.120(2)(a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

244.120(2)(b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

244.120(2)(b)(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

