

Chapter 199 Oregon Government Standards and Practices Commission
OREGON ADMINISTRATIVE RULES 1997 COMPILATION

DIVISION 1

PROCEDURAL RULES

199-001-0000	Notice of Proposed Rule
199-001-0005	Model Rules of Procedure
199-001-0010	Commission Meetings
199-001-0020	Stipulation and Consent
199-001-0030	Advisory Opinions

DIVISION 10

LOBBYING REGISTRATION AND REPORTING

199-010-0005	Definitions
199-010-0010	Who Should Register
199-010-0015	Registration Exemptions
199-010-0020	Where to Register
199-010-0025	When to Register
199-010-0030	How to Register
199-010-0035	Instructions for Completing Lobbyist Registration Statement

Lobbyist Expenditure Reports; Employer Annual Expenditure Reports

199-010-0045	Lobbyist's Expenditure Reports
199-010-0050	Public Agencies
199-010-0055	Employer Annual Expenditure Reports

Lobbyist Expenditure Reports

199-010-0060	Who Must File
199-010-0070	When Reports Must be Made
199-010-0075	What is an Expense
199-010-0080	How to Report Expenditures
199-010-0081	Adjusts Itemized Reporting Level for Lobbyists

Employer Reports

199-010-0085	Who Must File
199-010-0090	When Must Reports be Filed
199-010-0095	What Expenditures Must be Included
199-010-0100	How to Report Expenditures
199-010-0105	Advisory Opinions of the Oregon Government Standards and Practices Commission
199-010-0110	Complaints
199-010-0115	Prohibited Actions
199-010-0150	Filing Deadlines

DIVISION 20

CONFLICT OF INTEREST

199-020-0005	Prohibited Actions
199-020-0006	Exclusion from the Definition of "Gift"
199-020-0010	Announcements of Potential Conflicts of Interest
199-020-0015	How to Announce Conflicts of Interest
199-020-0020	Statements of Economic Interest
199-020-0025	Voluntary Filing of Annual Verified Statements of Economic Interest
199-020-0030	Penalty Provisions for Violation of the Act
199-020-0035	The Oregon Government Standards and Practices Commission
199-020-0050	Filing Deadlines

Civil Penalties

199-020-0070	Public Officials Representing Non-Public Interests
---------------------	--

DIVISION 1

PROCEDURAL RULES

199-001-0000

Notice of Proposed Rule

Prior to the adoption, amendments or repeal of any rule, the Oregon Government Standards and Practices Commission shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days prior to the effective date.

(2) By mailing a copy of the notice to persons on the Oregon Government Standards and Practices Commission's mailing list established pursuant to ORS 183.335(6).

(3) By mailing a copy of the notice to the following persons, organizations, or publications:

- (a) Oregon Common Cause;
- (b) League of Oregon Cities;
- (c) Association of Oregon Counties;
- (d) Capitol Club.

Stat. Auth.: ORS Ch. 183

Hist.: EC 8, f. & ef. 12-24-75

199-001-0005

Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Oregon Government Ethics Commission adopts the Attorney General's Model Rules of Procedure as amended.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Oregon Government Standards and Practices Commission.]

Stat. Auth.: ORS 171.776(3), Ch. 183 & 244.290(5)

Hist.: EC 1(Temp), f. 1-2-75, ef. 1-25-75 thru 5-25-75; EC 11, f. & ef. 7-28-76; EC 1-1982, f. & ef. 3-2-82; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-001-0010

Commission Meetings

(1) Definitions:

(a) Commission, Oregon Government Standards and Practices Commission;

(b) Commissioner, a duly appointed and acting member of the Oregon Government Standards and Practices Commission;

(c) Director, the Executive Director appointed by the Commission pursuant to ORS 244.310;

(d) Public Official, any person who 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;

(e) Staff, the staff of the Commission.

(2) The Oregon Government Standards and Practices Commission shall be governed by the statutes of the State of Oregon, these rules, the Attorney General's Model Rules of Procedure for the conduct of contested cases as provided in ORS Chapter 183, and the rules of the Senate of the Legislature of the State of Oregon last adopted in regular session. In event of a conflict, precedence shall be in that order. **Mason's Manual of Legislative Procedure** shall apply to cases not otherwise provided.

(3) The Commission has adopted the following rules of procedure:

(a) A majority of Commissioners shall constitute a quorum for the hearing and disposition of any matters brought before the Commission. In the absence of a quorum, Commissioners present may meet to discuss any matter before the Commission, but no action shall be taken without a quorum;

(b) The Commission shall vote by roll call vote:

- (A) On the finding of cause to undertake an investigation;
- (B) To move to a contested case proceeding;
- (C) To make a final order in a contested case;
- (D) To rescind any motion; or
- (E) To adopt any advisory interpretation or opinion.

(c) The Commission shall utilize a consent calendar for action on all items when feasible. In preparation of the consent

calendar, the Director shall group together as separate categories preliminary reviews, dismissal of a case at conclusion of investigation, stipulated final orders, and default final orders on the agenda. The Director shall also submit a recommended action for each item. Any Commissioner or person may have a matter excluded from the consent calendar by requesting the Chair to do so. All consent calendar items not excluded as such, shall be disposed of upon the motion of any Commissioner to "move the recommended action" and a roll call vote;

(d) All other matters not referred to in subsections (b) and (c) of this section shall be decided by voice vote of a majority of Commissioners unless the Chair shall be in doubt as to the vote or two Commissioners shall request a roll call vote on the issue whereupon a roll call vote shall be taken;

(e) A motion does not require a second;

(f) Annually, at the last regular meeting of the Commission before January 1, the Commission shall select from its members a Chair and a Vice-Chair who shall serve until their successors shall be selected and qualified. The Chair or Vice-Chair may resign as such or may be removed from that position by vote of four Commissioners. If the Chair or Vice-Chair shall cease to be a Commissioner, the office shall be vacant and a successor shall be selected at the next regular meeting of the Commission;

(g) The Chair shall preside over all meetings of the Commission, and, in consultation with the Director, shall determine time and location of all meetings of the Commission. The Chair shall execute all final orders, notices of contested case hearing, advisory opinions and any other document which by law must be executed in the name of the Commission;

(h) The Vice-Chair shall act in lieu of the Chair when the Chair is unable to perform the duties of the office of Chair or while the office is vacant.

(i) The Director shall serve as Secretary to the Commission;

(j) The Commission shall meet in the capitol city except that the Commission may meet in other locations in the furtherance of the duties of the Commission. A meeting of the Commission shall be called if a majority of Commissioners files a request with the Executive Director specifying the date and agenda of the special meeting;

(k) Where permitted by law and conforming to the requirement of the Open Meetings Law, ORS 192.670, the Commission may meet by means of a telephone conference on the call of the Chair;

(l) The Chair, in consultation with the Director, shall set the agenda and cause all notices of time and place of the meeting of the Commission to be given. Commissioners may request items to be placed on the agenda prior to its being distributed;

(m) All meetings of the Commission shall be open to the public unless otherwise permitted by statute;

(n) The agenda of meetings of the Commission shall set forth all matters expected to come before the Commission. The Agenda shall contain the following:

(A) Items which are considered routine such as minutes of previous meetings and personnel recognitions which can be acted upon without public discussion. If a Commissioner requests, such items will be the subject of public discussion;

(B) Adoption of Final Orders in contested cases and/or to fix a civil penalty or forfeiture;

(C) Move to a contested case hearing any matter under investigation by the Commission;

(D) Consider Director's statements (preliminary reviews) of alleged violations of ORS Chapter 244 or ORS 171.725 et seq.;

(E) Update re: pending preliminary reviews;

(F) Begin on its own motion a preliminary review of an alleged violation of ORS Chapter 244 or upon the signed complaint of any person an alleged violation of ORS 171.725 et seq.;

(G) Issue and publish opinions as to the requirements of ORS Chapter 244 or ORS 171.725 et seq.;

(H) Contested case hearings;

(I) Presentation of correspondence, publications, and concerns of interested citizens concerning the Commission and its duties.

(o) Exercising the authority provided by ORS 192.660, the Commission at the call of the Chair may meet in executive session on any matter authorized by law;

(p) In action on any agenda item, the Commission may dismiss any proceeding or rescind any motion;

(q) The Chair shall be responsible for order and decorum at all meetings of the Commission;

(r) The Chair may, upon affirmative vote of four or more Commissioners, for good cause stated in the record, suspend or bar from further participation any person who engages in dilatory tactics or disorderly or contemptuous conduct that disrupts the proceeding so that the Commission cannot proceed or will be seriously impeded;

(s) Parties may appear in person or by attorneys who are active members of the Oregon State Bar. For good cause shown and the affirmative vote of a majority of Commissioners, others may appear before the Commission on behalf of a party. Appearance does not include witnesses before the Commission or a hearing officer appointed by the Commission;

(t) The Commission may, at its discretion, change the order of an agenda in order to accommodate parties appearing before it or for other cause shown;

(u) Written material will be the medium of informing Commissioners of the issues, perceived facts, and arguments during the preliminary review phase. Oral statements will not be permitted in the consideration of any matter during this phase or for Investigation without the consent of the Chair on good cause shown or the affirmative vote of four Commissioners;

(v) Oral statements by the affected public official or the persons investigating the complaint or Staff will be permitted at any consideration of a motion to move to a contested case, approval of a stipulated disposition of a matter, approval of a proposed order of a hearing officer on a contested case, or the fixing of a civil penalty or forfeiture. The Chair, in consultation with the Executive Director, shall prescribe the time to be allowed for public statement or argument on any matter and this allocation of time shall be a requirement of public comment unless an affirmative vote of a majority of Commissioners present shall permit an extended time for public statement and argument;

(w) The Director shall maintain complete files of all documents submitted in any matter and shall summarize for the Commissioners in an impartial and objective manner all favorable and unfavorable material collected and all documents filed in the Director's office on any matter before the Commission. At the request of an affected public official or the person instigating an investigation, any written material submitted to the Director in a timely manner shall be copied and forwarded to each Commissioner for consideration. A document shall be considered filed in a timely manner if submitted in form permitting it to be copied no less than five business days before any meeting of the Commission in which the subject matter of the document shall be an item on the agenda;

(x) Ex-parte communications with Commissioners shall not be permitted nor be the basis for action of the Commission. Documents sent by public officials or others to Commissioners other than through the Director, or oral communications to Commissioners other than as provided in these rules, are ex-parte communications and shall be reported to the Director and to the Commission at the next meeting of the Commission;

(y) A subpoena authorized by ORS 244.260(2) shall be issued by the Chair, Vice-Chair, or their delegate;

(A) The subpoena may require the witness to testify to an inquiry which is not privileged and which is relevant to an investigation or inquiry of the Commission including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things, and the identity and location of persons having knowledge of any discoverable matter. It is not grounds for objection that the information sought will be inadmissible at a hearing pursuant to ORS 183.413 et seq. if the information sought appears reasonably calculated to lead to the discovery of admissible evidence;

(B) Upon motion by the witness subpoenaed, or the person under investigation or inquiry, and for good cause shown, the

Chapter 199 Oregon Government Standards and Practices Commission
OREGON ADMINISTRATIVE RULES 1997 COMPILATION

Commission may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense, including one or more of the following:

- (i) That the inquiry not be had;
- (ii) That the inquiry may be had only on specified terms and conditions, including a designation of the time or place;
- (iii) That certain matters not be inquired into, or that the scope of the inquiry be limited to certain matters;
- (iv) That the inquiry be conducted with no one present except persons designated by the Commission; or
- (v) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.

(C) A motion for a protective order under this subsection shall be in writing filed with the Director and shall be heard and first decided by the Chair, or in the absence of the Chair, the Vice-Chair, within three business days. If the motion for a protective order is denied in whole or in part by the Chair or Vice-Chair, the person making the motion may within three business days thereafter request that the full Commission hear and decide the motion which shall occur within three business days. If the full Commission denies the motion, the party making the motion may within three business days request a contested case hearing pursuant to ORS 183.413 et seq.

[ED NOTE: The publication(s) referred to or incorporated by reference in this rule are available from the Oregon Government Standards and Practices Commission.]

Stat. Auth.: ORS 244.290(5)

Hist.: EC 1-1993, f. & cert. ef. 4-22-93

199-001-0020

Stipulation and Consent

(1) The Oregon Government Standards and Practices Commission encourages the informal disposition of a contested case by stipulation or consent order. As used in this rule, a stipulation is an agreement between the Commission and the party which resolves some, but not all, of the issues pending in the matter. A consent order is a final order which fully resolves all issues involved in the matter, including the amount of a financial penalty, if any.

(2) When approved by the Commission, the stipulation or consent order shall be the record in the contested case on all issues to which the parties agree and the basis for the imposition of civil penalties if appropriate. If the parties agree to a stipulation, then the stipulation shall be incorporated into the final order of the Commission which resolves all issues pending in the matter.

(3) The stipulation or consent order shall be in writing, signed by the Director and the person who is the subject of a complaint or against whom an investigation has commenced and by the attorney representing such person, if any, before being submitted to the Commission.

(4) The stipulation or consent order shall contain a short and plain:

(a) Statement of the nature of the complaint and the basis of the jurisdiction of the Oregon Government Standards and Practices Commission;

(b) Statement of all agreed facts and of all facts that are not agreed;

(c) Statement of the claim of the Oregon Government Standards and Practices Commission and of the defense to the claim;

(d) Statement of the issues that the Oregon Government Standards and Practices Commission must resolve to reach a decision on the issues of the complaint or investigation;

(e) Statement of any agreed settlement or the contents of the final order that is to be entered.

NOTE: Sample stipulation or consent order is contained in **Appendix 1**.

(5) When the stipulation is approved and filed, the Commission shall forthwith decide all matters reserved for its decision and enter a final order. A consent order is a final order of the Commission.

(6) By entering into the stipulation, a public official waives

any remaining process in the preliminary review and/or investigatory phase as to the stipulated matter. Nothing in the stipulation shall prohibit or limit the right of any person against whom a complaint has been filed to present relevant evidence or to appear before the Commission to dispute any matter not agreed in the stipulation. A public official waives any right to file an appeal as to matters resolved by a stipulation or consent order.

(7) The Director of the Oregon Government Standards and Practices Commission shall notify in writing any person under investigation or the subject of a contested case of the willingness of the Oregon Government Standards and Practices Commission to enter into a stipulation or consent order for a fair, speedy and economical determination of any pending matter at the following stages:

(a) At the beginning of any preliminary review;

(b) At the conclusion of a preliminary review;

(c) At the conclusion of the investigatory phase;

(d) At the time of service of notice of a contested case hearing.

(8) Nothing in the procedure for a stipulation or consent order shall in any way deprive any person against whom a complaint has been filed of the right to a fair hearing under ORS Chapter 183 of any issues not agreed to or of any right or privilege guaranteed by law.

[ED. NOTE: Appendix 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Oregon Government Standards and Practices Commission.]

Stat. Auth.: ORS 244.290(5)

Hist.: EC 1-1993, f. & cert. ef. 4-22-93

199-001-0030

Advisory Opinions

(1) The Oregon Government Standards and Practices Commission may upon the written request of any public official, candidate for office, or any other person, or upon its own motion, issue and publish opinions on the requirements of ORS Chapter 244 and of ORS 171.725 to 171.785.

(2) The Oregon Government Standards and Practices Commission will issue an Advisory Opinion based on real or hypothetical facts or circumstances but not upon actual events that have already occurred.

(3) The Oregon Government Standards and Practices Commission shall issue an Advisory Opinion only after approval from a majority of Commissioners at a regular meeting of the Commission.

(4) An Advisory Opinion shall contain:

(a) A short and plain statement of the hypothetical facts or circumstances on which it is based;

(b) A short and plain statement of the question presented;

(c) A short and plain statement of the opinion of the Commission based on the hypothetical facts in answer to the question. The opinion of the Commission may cite where relevant statutes of the State of Oregon, opinions of the Oregon appellate courts, opinions of the Attorney General of Oregon, and previous opinions of the Oregon Government Standards and Practices Commission;

(d) A typed notice in uppercase letters not less than 10 point the following: **“This Opinion is issued by the Oregon Government Standards and Practices Commission pursuant to ORS 171.776 or 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”**.

(5) An Advisory Opinion shall be signed by the Chairperson of the Oregon Government Standards and Practices Commission. Before the opinion is sent to the requester, it shall be reviewed by the Attorney General. When issued, an Advisory Opinion shall be assigned a sequential number and published. Thereafter, the Opinion may be cited as **“Oregon Government Standards and Practices Commission, Advisory Opinion No. _____, dated _____”**.

(6) An Advisory Opinion of the Oregon Government

Chapter 199 Oregon Government Standards and Practices Commission

OREGON ADMINISTRATIVE RULES 1997 COMPILATION

Standards and Practices Commission shall have precedential effect. A public official or business with which a public official is associated shall not be liable under ORS Chapter 244 or under ORS 171.725 to 171.785 for any action or transaction carried out according to an Advisory Opinion of the Oregon Government Standards and Practices Commission.

(7) In addition to an Advisory Opinion of the Oregon Government Standards and Practices Commission, the staff of the Commission may issue informal written opinions of the staff on hypothetical facts or circumstances when requested by a public official, candidate for office or any other person. The informal written opinion of staff shall have no precedential effect and the Oregon Government Standards and Practices Commission shall not be bound by any informal written opinion of its staff. The opinion of the staff shall be clearly labeled as such and that it is not issued under authority of the Commission, but is only the informal opinion of the staff. An informal written opinion of the staff shall not be published. At the next regular meeting of the Commission, all informal written opinions of the staff shall be reported to the Commission and the Commission on its own motion may thereafter issue an Advisory Opinion of the Commission on the same facts or circumstances.

(8) The issuance of an advisory opinion by the Oregon Government Standards and Practices Commission is at its discretion and the failure of the Commission to issue an Advisory Opinion shall have no precedential effect.

Stat. Auth.: ORS 244.290(5)

Hist.: EC 1-1993, f. & cert. ef. 4-22-93

DIVISION 10

LOBBYING REGISTRATION AND REPORTING

Introduction

The practice of lobbying is an inherent part of the legislative process. The profession is honorable and the process is essential to the workings of our free democratic institutions. The purpose of Oregon's Lobbying Regulation Laws is not to restrict lobbying but rather to insure that the public is informed.

Effective since January 1, 1974, Oregon's Lobby Regulation Laws affect all persons who are compensated for performing lobbying services or who expend either 16 hours quarterly or over \$50 quarterly in lobbying activities. The term "person" as used in these regulations includes any individual, partnership, committee, association, corporation, public agency, or other organization or group of persons.

ORS 171.992 empowers the Oregon Government Standards and Practices Commission to impose penalties for violation of the Act or the regulations thereunder. A \$1,000 maximum penalty may be levied against an individual, a corporation, association, or other group. In addition, the Legislative Assembly, by House or Senate Rule, normally provides for expulsion of any individual who has not complied with the provisions of the Act. The Commission has full power to investigate violations of the Act, including the power to subpoena witnesses and books of account.

Copies of the law and additional information may be obtained from the Oregon Government Standards and Practices Commission, 700 Pringle Parkway, S.E., Salem, OR 97310.

Registration of Lobbyists

199-010-0005

Definitions

Lobbying is defined as "influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of legislative officials". Legislative action is defined as "introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, appointment, or report, or any matter which may be

the subject of action by either House of the Legislative Assembly, or any committee thereof or the approval or veto thereof by the Governor".

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0010

Who Should Register

Subject to the exceptions in ORS 171.735, the following should register as lobbyists:

(1) Any individual who is compensated or receives a consideration of any kind for lobbying.

(2) Any non-compensated person who expends, in addition to his *personal* travel, meals, and lodging expenses, \$50 or more or 16 hours during any calendar quarter.

(3) Any public official who lobbies on behalf of a public agency.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0015

Registration Exemptions

Registration and expenditure filing requirements do not apply to the following persons provided they are not registered with the Oregon Government Standards and Practices Commission:

(1) Members of the news media or other employees or agents performing newscasting, reporting, or editorial functions.

(2) An individual whose lobbying activities are limited solely to formal appearances at legislative or state agency public hearings, and who receives no additional compensation for such appearances, and who registers such appearances in the committee or agency records.

(3) Any legislative official acting in an official capacity.

(4) Any person spending no more than 16 hours during any calendar quarter lobbying, excluding personal travel time or who spends less than \$50 per calendar quarter, excluding the cost of personal travel, meals, and lodging. Once either the 16 hour or \$50 amount is exceeded by an individual or by a corporation, association, organization or other group, the registration and expenditure reporting requirements must be complied with.

(5) There are certain organizations, particularly law and public relations firms, which are retained to lobby on behalf of a client. The actual lobbying service is performed by members or employees of the firm. Such firms are required to comply with registration and expenditure reporting requirements. These firms must file a single registration statement for each client, providing the required information concerning the client and each of its members or employees who perform the lobbying services for that client.

(6) Oregon's Lobbying Regulation Statutes only apply to activities, the purpose of which is to influence or attempt to influence legislative action. Persons who make appearances or otherwise attempt to influence administrative actions by executive agencies of state government are not required to register under the Act:

(a) *Example 1:* "A" is a lawyer who appears for clients in rate-making proceedings before the Public Utility Commissioner, but does not engage in any activity to influence legislation. "A" is not required to register as a lobbyist;

(b) *Example 2:* "B" is the business agent for Local 102 of the International Brotherhood of Widget Workers. His principal job relates to the internal affairs of the union and collective bargaining. On occasion, he assists the union in its lobbying efforts by contacting individual legislators to elicit support for legislation of interest to the International Brotherhood. "B" devotes more than sixteen hours per calendar quarter to these lobbying activities. "B" is required to register because he expends over 16 hours per calendar quarter lobbying;

(c) *Example 3:* "C" is a lobbyist for the "League of Munici-

pal Governments”, a non-profit corporation whose members are all public bodies. “C” is required to register because he spends more than 16 hours per calendar quarter lobbying;

(d) *Example 4:* “D” is an engineer employed by Widget Manufacturing Company which is interested in pending legislation relating to Widgets. He receives no additional compensation when he testifies before a legislative committee about technical problems of the pending legislation. “D” limits his activities solely to his testimony before the committee and register his appearance in the records of the committee. The company pays his salary and his travel expenses to and from the legislature. “D” is not required to register as a lobbyist because he does not engage in lobbying activities outside of formal testimony, nor does he receive additional compensation from Widget Manufacturing for his testimony;

(e) *Example 5:* “E” is the president of the “Oregon Chamber of Commerce”, a non-paying position. He appears before legislative committees and contacts individual legislators. He is reimbursed by the “Oregon Chamber of Commerce” for his personal travel expenses. If “E” spends over 16 hours or \$50, in addition to his personal travel expenses, for the purpose of lobbying, he must register as a lobbyist;

(f) *Example 6:* “F” is an employee of the State Department of Agriculture. A portion of his job is to present the Department’s views in support of or in opposition to pending legislation to the Legislature. His lobbying activities exceed 16 hours per calendar quarter, outside of formal committee testimony. The Department of Agriculture must register “F” as a lobbyist.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0020 **Where to Register**

Lobbyists and public agencies must register with the Oregon Government Standards and Practices Commission, 700 Pringle Parkway, S.E., Salem, OR 97310.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0025 **When to Register**

(1) Persons and public agencies subject to the lobbying registration law must register within three days after engaging in any activity, the purpose of which is to influence legislative action. When an individual does not reasonably expect to spend more than \$50 on lobbying activities during a calendar quarter, or does not reasonably expect to spend more than 16 hours during a calendar quarter in lobbying activities, the individual should not register as a lobbyist. If the individual exceeds the \$50 expenditure limit or the 16 hour lobbying activity limit, during the calendar quarter, the individual should then register with the Standards and Practices Commission.

(2) The lobbyist, other than public officials acting as lobbyists, must file a registration statement for each group or organization he represents.

(3) A public agency must register its employees who act as lobbyists. The registration must be signed by either the department head or agency director.

(4) Registration does not expire until the lobbyist or the public agency notifies the Commission by submitting a termination form that the individual is no longer engaged in lobbying activities. (See **Appendix 4.**)

[ED. NOTE: Appendix 4 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Oregon Government Standards and Practices Commission.]

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0030 **How to Register**

(1) Registration occurs by filing a registration statement with the Oregon Government Standards and Practices Commission.

(2) All registrations must be submitted on Lobbyist Registration Statement. One copy of the registration statement will be returned to the lobbyist and one copy of the registration statement will be returned to the employer.

(3) These forms can be obtained from the Oregon Government Standards and Practices Commission, 700 Pringle Parkway, S.E., Salem, OR 97310.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0035 **Instructions for Completing Lobbyist Registration Statement**

The Lobbyist Registration Statement must be filed by all persons who are lobbying and by all public agencies employing lobbyists, within three working days after engaging in lobbying. (See **Appendix 1.**)

(1) Block 1. *Name and Address of Lobbyist* — A lobbyist registering under Oregon’s Lobbying Regulation statutes must set forth the lobbyist’s full name and business address. The business address must be an address at which the lobbyist can be located. A public agency must list the name of the lobbyist representing the agency and shall provide the agency’s business address.

(2) Block 2. *Business Phone/Lobbyist* — This number is the business or the entity represented where the lobbyist can be contacted.

(3) Block 3. *Phone During Legislative Session* — This is the number where the lobbyist can be contacted during the Legislative Session, if different from the above.

(4) Block 4. *Initial Date of Engaging in Lobbying* — Must contain the date that the lobbyist commences lobbying activities, requiring registration.

(5) Block 5. *Name and Address of Employer* — This is the person or public agency by whom the lobbyist is employed or in whose interest the lobbyist appears or works. Oregon’s Lobbying Regulation Statutes require that a lobbyist provide the name and address of each corporation, association, organization, public agency, or other group the lobbyist represents:

(a) In the case of corporations (both profit and nonprofit), the registration must set forth the name of the corporation as registered with the State Corporation Division, together with the address of the registered agent and the address at which the corporation can be readily located;

(b) If the group being represented has an assumed business name, the lobbyist must set forth the assumed business name and the name and address of the person with whom the assumed name is registered with the Corporation Division;

(c) In all other cases, the lobbyist and public agency must set forth the commonly used name and address of the group represented and the name and address of the responsible officer of such groups;

(d) A public agency must list its official title and address, including the name of the employee responsible for the lobbying operation.

(6) Block 6. *Employer’s Telephone Number* — This is the telephone number of the employer or person identified in Block 5.

(7) Block 7. *A General Description of the Trade, Business, Profession, or Area of Interest of Employer or Person by Whom Lobbyist is Employed or in Whose Interest he Appears or Works* — This block should contain a general description of the represented group’s business or area of interest, and any general subject or subjects of the lobbyist’s legislative interest. When a lobbyist assumes any additional legislative interest during a reporting period, those additional interests shall be listed in the section provided on the expenditure report.

(8) Block 8. *Name of any Member(s) of the Legislative Assembly Employed by Lobbyist’s Employer* — Oregon’s Lobby

Chapter 199 Oregon Government Standards and Practices Commission
OREGON ADMINISTRATIVE RULES 1997 COMPILATION

Regulation Laws require that the lobby registration statement set forth the name of any member of the Legislative Assembly who is in any way employed by the employer as described in Block 5.

(9) Block 9. *Name of any Member(s) of the Legislative Assembly With Whom a Lobbyist Shares a Business Interest* — Oregon's Lobby Regulation Laws require that the registration statement contain the name of any member of the Legislative Assembly who is associated with the registering lobbyist in any business, either as an owner, officer, employer, or otherwise:

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity operated for economic gain;

(b) "Associated with any business" means any business of which the person or a member of his household is a director, officer, owner, or employee, or any corporation in which the person or a member of his household knows or has reason to know he owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year.

(10) Block 10. *Certification* — Each lobbyist and each representative of a public agency must certify that the information given in this registration statement is true, complete, and correct.

(11) Block 11. *Designation* — Each employer listed in Block 6 must certify that the lobbyist has been designated to lobby in behalf of the employer.

[ED. NOTE: Appendix 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Oregon Government Standards and Practices Commission.]

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

Lobbyist Expenditure Reports; Employer Annual Expenditure Reports

199-010-0045

Lobbyist's Expenditure Reports

Anyone registered or required to register as a lobbyist must file an expenditure report.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0050

Public Agencies

Public Agencies with registered lobbyists shall file the expenditure reports. The agency must file the report, rather than the individual who lobbies.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0055

Employer Annual Expenditure Reports

(1) Any individual, corporation, association, organization, public agency, or other group which engages a lobbyist registered in the previous year is required to file a report annually on January 31.

(2) A public agency will submit an annual report listing all the costs incurred by that agency for lobbying during the preceding year.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; Suspended by EC 1-1980(Temp), f. & ef. 12-24-80; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

Lobbyist Expenditure Reports

199-010-0060

Who Must File

Any person or public agency required to register as a lobbyist under these regulations must file expense reports. If no expenditures were incurred during the reporting period, a negative report (indicating "No expenses incurred during reporting period") shall be submitted. (See **Appendix 2**.)

[ED. NOTE: Appendix 2 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Oregon Government Standards and Practices Commission.]

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0070

When Reports Must Be Made

During even numbered years, expenditures must be reported by January 31 covering the preceding period of July 1 through December 31; and by July 31 covering the preceding period of January 1 through June 30. During odd numbered years, expenditures must be reported by January 31 covering the preceding period of October 1 through December 31; by April 30 covering the preceding period January 1 through March 31; and by July 31, covering the preceding period April 1 through June 30.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 14, f. & ef. 1-31-77; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0075

What is an Expense

(1) Any expenditure incurred by a lobbyist or at the lobbyist's direction or instigation for the purpose of lobbying must be reported. This includes payments made by a lobbyist for the direct benefit of a legislator, legislative staff member, or state public official which is related to influencing legislative action. Also included are expenses assumed by the employer, but directed by the lobbyist.

(2) The expenditure report requires expenditures to be listed in four categories:

- (a) Food, beverage, and entertainment;
- (b) Printing, postage, and telephone;
- (c) Advertising, public relations, education, and research;
- (d) Miscellaneous; and
- (e) General overhead expenses for office space, equipment, and support personnel need not be reported in the lobbyist's expenditure reports, but must be included in the employer's annual expenditure report.

(3) Although the expenditures may not be related to any specific legislative purpose or bill, they must be reported if there is any relationship to influencing legislative action. Thus for example, expenses incurred in order to get acquainted or promote goodwill must be reported.

(4) Lobbyists and public agencies are not required to report compensation, personal travel, meals, and lodging expenses.

(5) Lobbyists are not required to report any political contribution or expenditure if such contribution has or will be reported under ORS Chapter 260.

(6) The following are examples of reportable and nonreportable expenses. The list is by no means all inclusive, but merely illustrative. If in doubt, the person or public agency filing a report should seek an advisory opinion from the Oregon Government Standards and Practices Commission and report the item of expense:

(a) *Example 1:* "A" is a lobbyist for the American Widget Association and is paid an annual salary of \$20,000. He lives in Portland but maintains an office and apartment in Salem during the legislative session. He employs a secretary. During the reporting period he took one legislator to dinner and incurred an expenditure of \$15. He is required to report in his lobbyist expense report the \$15 dinner. He is not required to report the cost of the apartment because that is a personal expense and he is likewise not required to report his salary or compensation. He is

not required to report the office rental and secretarial expenses because such expenses are overhead to be reflected in the annual report of American Widget Association;

(b) *Example 2:* “A” takes the director of the State Department of Widget Control to lunch to discuss a pending case before the department. The lunch expenditure is not reportable because “A” is merely interested in influencing administrative policy of the agency and the purpose has no relationship to influencing legislative action;

(c) *Example 3:* “A” serves refreshments to three members of the legislature at his apartment, then takes them to a restaurant to dinner. The purpose of the entertainment is not to persuade the legislators to support or oppose any particular legislation, but rather the purpose is to get better acquainted or promote goodwill in the event the lobbyist may wish to gain the support of the legislators for some future legislative action. The expenses for the refreshments and the dinner are reportable;

(d) *Example 4:* “A” provides a printed report, which is mailed to legislative officials, back-grounding a specific issue. The cost of the printing and postage is reportable on the portion of the reporting form entitled “Printing, Postage, and Telephone”. The cost involved in the lobbyist’s research for the report is listed on the reporting form under “Advertising and Public Relations, Education and Research”. Although the cost of the report was assumed by “A’s” employer, the cost is reported by the lobbyists as it was incurred at his direction;

(e) *Example 5:* The XYZ Organization publishes a regular newsletter for its membership. The newsletter contains information about legislative action. If the newsletter constitutes an attempt to influence legislative action, (for example, by asking members to contact legislators about a bill), the costs are reportable;

(f) *Example 6:* On another occasion, a legislative official asks if “A” can provide him transportation to Portland in order to make a speech. The transportation expense is a reportable expenditure, to be listed under the “Miscellaneous” portion of the reporting form;

(g) *Example 7:* Another legislative official asks “A” to provide him some copying services so that he can make a mailing to his constituents. The cost of copying is a reportable expenditure, to be listed under the “Printing, Postage, Telephone” portion of the reporting form. The copying was done with a machine at the office of “A’s” employer. The employer assumed the cost but “A” will report it as it was incurred at his instigation;

(h) *Example 8:* “A” gives a legislative official a box of candy as a gesture of goodwill. This is a reportable expenditure;

(i) *Example 9:* “A” provides to all legislators a book about Oregon History. The gift has no bearing on “A’s” legislative interests, but it is a goodwill gesture and must be reported under “Miscellaneous”. (Note that under Oregon’s Government Ethics Laws in ORS Chapter 244, certain gifts are prohibited.);

(j) *Example 10:* “A” purchases advertising space in a newspaper to promote a bill. That expenditure is reportable under the “Advertising and Public Relations, Education and Research” portion of the reporting form.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1980(Temp), f. & ef. 12-24-80; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0080

How to Report Expenditures

(1) A lobbyist and a public agency must report all expenditures made during reporting periods, as defined in OAR 199-010-0075.

(2) The Lobbyist Expenditure Report is the form required for this report. (See **Appendix 2**.)

(3) If the amount of any expenditure required to be included in the statement is not accurately known at the time of the report, an estimate thereof should be submitted and updated in a subsequent report when more accurate information is available.

(4) The report must list the name of legislative or executive officials, and the date of each occasion the lobbyist expended in

excess of \$44 on the official, his spouse, or children. The \$44 amount shall be adjusted annually by the OGE, based upon the Portland Consumer Price Index.

(5) The general statement of “purpose” for the lobbyist expense report need not include the type of legislation opposed or supported, or the number of the bill.

(6) All reports must indicate a lobbyist’s expenditures in four specific categories:

(a) Food, Refreshment, Entertainment;

(b) Printing, Postage, and Telephone;

(c) Advertising and Public Relations, Education and Research;

(d) Miscellaneous. Expenditures within a specific category need not be detailed by line item; however, the total amount of these expenditures must be reported. For example, when reporting three separate printing costs of \$10, \$3, and \$15 respectively, a lobbyist may report a total of \$28 for “various printing expenses”.

(7) Reports shall list areas of legislative interest *not* included on the registration statement. This allows a lobbyist to amend information originally submitted on his registration statement if his legislative interests expand:

(a) *Example 1:* On January 26, 1975, “A” entertains three legislators at dinner at the Harold’s Club Restaurant. The cost of the entertainment does not exceed \$44 per legislator. He would report under the “Food, Refreshment, and Entertainment” category as follows: Payee: “Harold’s Club”; Purpose of Expenditure: “Entertainment of members of the legislature”;

(b) *Example 2:* “A” entertains legislators X, Y, and Z by serving them refreshments at his apartment. He subsequently takes Z to dinner, the cost of which is \$35, and to a movie afterward, the cost of which is \$5. If the approximate value of the refreshments served to Z were in excess of \$4, he would place on the report Z’s name and the date because the total is greater than \$44;

(c) *Example 3:* “A” entertains a legislator and spouse for dinner. The total cost for both legislator and spouse is more than \$44. The legislator’s name must be reported because more than the statutory amount was expended on a single occasion for the benefit of the legislator;

(d) *Example 4:* “A” mails reports to members of the Legislature. The cost of the mailing is \$30. He would indicate in the “Printing, Postage, Telephone” category that he had spent \$30 mailing reports to members of the Legislature.

[ED. NOTE: Appendix 2 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Oregon Government Standards and Practices Commission.]

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1980(Temp), f. & ef. 12-24-80; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0081

Adjusts Itemized Reporting Level for Lobbyists

Pursuant to ORS 171.745(2), and notwithstanding the provisions of any other rule herein to the contrary, the dollar amount specified in ORS 171.745(1)(b) is adjusted, rounded to the nearest dollar, to \$44, based upon the change in the Portland Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor.

Stat. Auth.: ORS 171.776(3), 244.290(5) & 666

Hist.: EC 3-1979, f. & ef. 12-13-79

Employer Reports

199-010-0085

Who Must File

(1) Any corporation, organization, association, public agency, or other group who engages anyone who is required to register as a lobbyist under OAR 199-10-010 of these regulations must file an Employer Expenditure Report.

(2) This report is submitted on an Annual Employer Expenditure Report. (See **Appendix 3**.)

(3) The only exceptions to reporting are those firms which

are retained for the specific purpose of lobbying and whose expenditures are contained in the report of the client employer. For example, the law firm of Hartt, Schaffner, and Marks need not submit an annual report if their client, Widget Manufacturing, does so.

[ED. NOTE: Appendix 3 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Oregon Government Standards and Practices Commission.]

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; Suspended by EC 1-1980(Temp), f. & ef. 12-24-80; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0090

When Must Reports Be Filed

Employer Expenditure Reports must be filed on January 31.

Stat. Auth.: ORS Ch. 171

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 14, f. & ef. 1-31-77

199-010-0095

What Expenditures Must Be Included

(1) The Employer Expenditure Report must show the total amount of all expenditures incurred for the purpose of influencing legislation. This includes all payments made to lobbyists, including payments for compensation, overhead, support personnel, and other personal expenses, such as for travel, if they in any way relate to lobbying activities. Excluded are costs for living expenses incurred during a legislative session. For example, the cost of maintaining an apartment in Salem during a legislative session will not be reported. The report must also include all other expenses incurred by the employer to support its lobbying activities.

(2) All expenditures reported by the employer's lobbyist or public agency in the lobbyist expenditure report must be included.

(3) The report does not require an itemization of expenditures. If an employer wishes to show an itemization of expenditures, he may attach the itemization to the report.

(4) The reports must include the name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure in excess of \$44 is made by the employer, and the date, name of payee, purpose and amount of the expenditure; but the report need not include information previously reported in compliance with ORS 171.745.

(5) Political contributions or expenditures made by an employer which have been or will be reported pursuant to ORS Chapter 260 do not need to be reported as a lobbying expenditure.

(6) Many corporations and associations operate public affairs programs which not only include legislative lobbying, but a variety of other activities not subject to the Oregon Lobby Disclosure Act. It is often difficult from an accounting standpoint to apportion exactly the costs of such activities between those expenditures that are related to lobbying and those that are not. In such cases, the employer should make a good faith apportionment, and the report should indicate that an apportionment has been made. If in doubt, the employer may seek an advisory opinion from the Oregon Government Standards and Practices Commission for guidance in filing future reports.

Stat. Auth.: ORS Ch. 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1989(Temp), f. & cert. ef. 1-18-89; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0100

How to Report Expenditures

(1) The Employer Expenditure Report is submitted on the form, Annual Employer Expenditure Report.

(2) The report must show the total amount of all moneys expended for lobbying activities by the employer or public agency during the calendar year.

(3) It shall be submitted as a lump sum. An itemization may be attached, but is not required:

(a) *Example 1:* American Widget Corporation retains the

public relations firm of Flack & Flack to represent American Widget's interest in proposed legislation regarding standards for Widgets. It is understood that Flack & Flack will not only be contacting members of the legislature, but will also be seeking editorial support throughout the state and will try to promote letter writing campaigns to gain public support for their position. American Widget would have to report the entire fee and any expenses paid to Flack & Flack;

(b) *Example 2:* The American Widget Association employs a staff consisting of an executive director, an assistant, and one secretary. The association maintains an office, and the employees are paid both salary and reimbursed for their lobbying and personal expenses. The total budget for the association's staff is \$100,000. The staff is responsible for performing a number of functions: coordinating activities of the association, 20 percent; planning annual meetings of the association, 15 percent; providing information of a general industry interest, 15 percent; promoting legislative goodwill, making appearances before committees, contacting individual members of the legislature and the executive branches regarding legislative matters and promoting public support for the association's legislative position, 50 percent. The association would be required to report \$50,000 as the total annual expenditure for lobbying activities. The report should contain a notation, "**This amount is based upon an apportionment of the association's lobbying and non-lobbying activities**". Public agencies should use the same guideline in assessing their annual expenditures;

(c) *Example 3:* The President of American Widget Association is not registered as a lobbyist. He invites a legislator to visit several Widget plants one weekend. The Association's costs exceed \$44. The name of the legislator will be reported on the Annual Employer Expenditure Report. The cost of the visit will be included in the lump sum report;

(d) *Example 4:* American Widget Association sends a scientist to Salem to testify before a committee regarding the environmental impact of increased Widget production. The scientist confines his lobbying solely to registered testimony before the committee. The scientist does nothing more than act as an expert witness nor does he receive any additional compensation from American Widget Association for his testimony. He does not register as a lobbyist. However, in the annual Employer Expenditure Report, American Widget Association will include the costs it incurred in sending the scientist to Salem for testimony, as this was a part of the Association's total lobbying effort for the preceding year;

(e) *Example 5:* The American Widget Association holds an annual Widget Rally in the Widget Building Auditorium. Charge to the public for attendance is \$2.50. The Association provides tickets to legislators. No actual expense is incurred by the Association when providing complimentary tickets to legislators. However, the fair market value of the tickets must be included in the total amount of expenditures reported on the Annual Employer Expenditure Report. (Note that certain gifts to legislators are prohibited under ORS Chapter 244.)

Stat. Auth.: ORS Ch. 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0105

Advisory Opinions of the Oregon Government Standards and Practices Commission

(1) The Oregon Government Standards and Practices Commission may in its discretion issue advisory opinions.

(2) Persons desiring Advisory Opinions from the Oregon Government Standards and Practices Commission concerning interpretation of the Oregon Lobby Disclosure Act or the regulations thereunder should address their requests in writing to the Oregon Government Standards and Practices Commission, 700 Pringle Parkway, S.E., Salem, OR 97310.

Stat. Auth.: ORS Ch. 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90,

cert. ef. 7-26-90

199-010-0110

Complaints

(1) Any person may file with the Oregon Government Standards and Practices Commission a written complaint alleging that a violation of any provision of the Oregon Lobby Disclosure Act or the regulations prescribed thereunder has occurred.

(2) Complaints received by the Oregon Government Standards and Practices Commission will be investigated in accordance with ORS 171.776, and ORS Chapter 183.

Stat. Auth.: ORS Ch. 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0115

Prohibited Actions

All registered lobbyists are prohibited by Oregon's Lobbying Regulation Laws from certain activities:

(1) No lobbyist shall instigate the introduction of any legislative action for the purpose of obtaining employment to lobby in opposition thereto.

(2) No lobbyist shall attempt to influence the vote of any member of the Legislative Assembly by the promise of financial support of the member's candidacy, or by threat of financing opposition to the member's candidacy, at any future election.

(3) No person shall lobby or offer to lobby for consideration any part of which is contingent upon the success of any lobbying activity.

(4) No lobbyist shall knowingly or willfully make any false statement or misrepresentation to any legislative or executive official, or knowing a document to contain a false statement, cause a copy of such document to be received by a legislative or executive official without notifying such official in writing of the truth.

(5) No legislative or executive official shall receive consideration other than from the State of Oregon for acting as a lobbyist.

(6) In addition, lobbyists are urged to review Oregon's Government Ethics laws, ORS Chapter 244, which prohibit, in general terms certain gifts to public officials and campaign contributions to statewide officials during a Session of the Legislative Assembly. A copy of the law may be obtained from the Oregon Government Standards and Practices Commission, 700 Pringle Parkway, S.E., Salem, OR 97310.

Stat. Auth.: ORS Ch. 171.776(3) & 244.290(5)

Hist.: EC 2(Temp), f. & ef. 2-14-75 thru 6-14-75; EC 5, f. 7-7-75, ef. 7-25-75; EC 7(Temp), f. & ef. 10-8-75; EC 9, f. & ef. 1-23-76; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-010-0150

Filing Deadlines

Lobbyist Expenditure Reports and Annual Employer Expenditure Reports postmarked on or before the due date will be accepted as filed on the due date.

Stat. Auth.: ORS Ch. 171

Hist.: EC 14, f. & ef. 1-31-77

DIVISION 20

CONFLICT OF INTEREST

[**ED. NOTE:** The Annual Verified Statement of Economic Interest Forms filed by Administrative Orders EC 3(Temp) and EC 10 have been repealed by Administrative Order No. EC 20, filed and ef. 8-30-77.]

Introduction

The people of Oregon enacted a statewide conflict of interest law in the General Election of November, 1974. It was passed as a ballot measure referred by the 1974 Special Session of the Oregon Legislature.

Copies of ORS Chapter 244 may be obtained from the Oregon Government Ethics Commission, 700 Pringle Parkway, S.E., Salem, OR 97310.

Oregon's Government Ethics Law has five sections:

(1) It prohibits certain actions by all persons serving 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, employee, agent, or otherwise, and irrespective of whether the person is compensated for such services.

(2) It requires all public officials to give *notice of a potential conflict of interest*, before taking any action on the matter giving rise to the potential conflict. The form of the notice varies with the office of the official.

(3) It requires *annual reporting of major sources of income by specified public officials*. The reports are called "Annual Verified Statements of Economic Interest". They are due on April 15 of each year and are public records. Copies of the statement and directions for completion are available from the Commission Office.

(4) It provides *penalties for violation of the Act*, including civil penalties not exceeding \$1,000 and restitution of twice the amount obtained by violation of the Act.

Failure to file an Annual Verified Statement of Economic Interest bars a public official from performing his official duties until the statement is filed; further, a compensated official, (except for a judge), does not collect compensation until the Statement is filed.

A candidate for state office, including candidates for judicial office, failing to file the Annual Verified Statement of Economic Interest within 30 days after the filing date for election shall have their name removed from the Ballot or the certificate of nomination withheld.

Violation of the Act by an appointed official may constitute grounds for removal from office by the appointing authority or shall constitute prima facie evidence of unfitness where removal is only authorized for cause.

(5) It establishes the *Oregon Government Ethics Commission* composed of seven appointed members, serving four year terms, to administer the law.

199-020-0005

Prohibited Actions

All public officials are subject to the Code of Ethics, ORS 244.040. A public official is any person serving 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, employee, agent, or otherwise, irrespective of compensation for such services. The Code of Ethics provides:

(1) No public official shall use official position or office to obtain financial gain for the public official, other than official salary, honoraria, or reimbursement of expenses, or for any member of the household of the public official, or for any business with which the public official or a member of the household of the public official is associated. The term, "business with which the person is associated" is defined as, "**any business in which the public official or a member of the person's household is a director, officer, owner, or employee, or any corporation in which the public official or a member of the person's household owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year**".

(2) No public official or candidate for office or a member of the household of the public official shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$100 from any single source who could reasonably be known to have a legislative or administrative interest in any government agency in which the official has any official position or over which the official exercises any authority.

(3) No person shall offer during any calendar year any gifts with an aggregate value in excess of \$100 to any public official or candidate therefor or a member of the household of the public official if the person has a legislative or administrative interest in the governmental agency in which the official has any official

position or over which the official exercises any authority:

(a) "Gift" means something of economic value given to a public official or member of the official's household without consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials on the same terms and conditions; and something of economic value given to a public official or member of the official's household for valuable consideration less than that required from others who are not public officials. However, gift does not mean:

(A) Campaign contributions, as described in ORS 260.005(3);

(B) Gifts from relatives;

(C) The giving or receiving of food, lodging, and travel when participating in an event which bears a relationship to the public official's office and when appearing in an official capacity.

(b) "Public official" means any person who 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;

(c) "Single source" means all persons, firms, corporations or other entities, including their agents, employees, contractors, or other representatives, participating in any meaningful way in furnishing or providing a gift, food or lodging;

(d) "Value" means the actual or stated cost or price of any gift;

(e) "Food" means all foodstuff consumed by humans and all liquids for drinking. Food, lodging and travel provided incidentally while attending or participating in entertainment events such as theater, musical or sporting events are not included within the "food, lodging and travel" exception to the gift definition in ORS 244.010(9)(c). The cost of the attendance at or participation in the entertainment itself also does not come within the gift exception;

(f) An event bears a relationship to a public official's office if the principal purpose of the event bears a substantial relationship to the duties and jurisdiction of the public official's office.

(4) No public official shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action, or judgment would be influenced thereby.

(5) No public official shall further his personal gain through the use of confidential information gained in the course of or by reason of his official position or activities in any way.

(6) No legislative official, state-wide official or candidate therefore shall receive or solicit, and no person or political committee shall make or promise to make a campaign contribution or expenditure in support of the official or candidate during a regular biennial session of the Legislative Assembly.

(7) The Governor, Governor-elect or a candidate for Governor shall not receive or solicit, and no person or political committee shall make or promise to make a campaign contribution or expenditure in support of the Governor, Governor-elect, candidate for Governor or political campaign committee therefore beginning the first day and ending 30 days following adjournment of a regular biennial session of the Legislative Assembly.

(8) Citizens and public officials may request in writing advice or advisory opinions from the Oregon Government Ethics Commission when questions arise regarding this section.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 4(Temp), f. & ef. 5-29-75; EC 6, f. & ef. 10-8-75; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90; EC 1-1993, f. & cert. ef. 4-22-93

199-020-0006

Exclusion from the Definition of "Gift"

In order to qualify for the exclusion from the definition of "gift" under ORS 244.020 (9)(c), the food, lodging or travel referred to therein must be provided by a host or sponsor of the event in question.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 4-1979, f. & ef. 12-20-79; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-020-0010

Announcements of Potential Conflicts of Interest

All public officials must give notice of a potential conflict of interest prior to taking any official action on the matter giving rise to the potential conflict. A potential conflict of interest is 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, unless the pecuniary benefit or detriment arises out of the following:

(1) An interest or membership in a particular business, industry, occupation, or other class required by law as a prerequisite to the holding by the person of the office or position.

(2) Any action in the person's official capacity which would affect to the same degree a class consisting of an industry, occupation, or other group including one of which or in which the person, or a member of the person's household or business with which the person is associated, is a member, or is engaged.

(3) The Conflict of Interest Law does not supersede other statutes limiting an official's capacity to let contracts, hold certain stock, or other regulations. Those statutes remain effective. For example, a public official is precluded by statute from participating in the awarding of contracts to a company in which he owns stock. In order to comply with that prohibition and with Oregon's Conflict of Interest Law, he may not participate in the awarding of the contract, and further, must give notice of the potential conflict. Hence, the potential conflict becomes a matter of public record.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 4(Temp), f. & ef. 5-29-75; EC 6, f. & ef. 10-8-75; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-020-0015

How to Announce Conflicts of Interest

(1) Members of the Oregon State Legislature: The Act provides that legislators announce publicly, pursuant to the rules of the house in which they serve, the nature of the potential conflict, prior to taking any action on the floor or in committee, on the issue giving rise to the potential conflict.

(2) All Other Elected Officials and Appointed Officials Serving on Boards and Commissions: These officials shall announce publicly the nature of the potential conflict prior to taking any official action thereon.

(3) Judges: Shall remove themselves from the cases giving rise to the potential conflict or advise the parties of the nature of the conflict.

(4) Other Appointed Officials: Appointed officials shall notify their appointing authority in writing of the potential conflict. The appointing authority must dispose of the matter within a reasonable time by either appointing an alternate, by allowing the body served by the official to make a determination, or by any other means deemed appropriate by the appointing authority.

(5) Notice of a potential conflict need be made only once. Consequently, if a governmental body faces a series of votes on a single issue, a public official makes one announcement of the nature of his potential conflict prior to the series of votes. This will avoid procedural delays during discussion and debate. If an issue is discussed or debated on more than one occasion, the notice shall be given prior to the discussion, debate, or vote on each occasion that the issue is before the public body.

(6) Questions about procedures and interpretation may be referred to the Oregon Government Ethics Commission. Advisory opinions will be rendered by the Commission upon written request.

(7) All notices of potential conflicts of interest shall be recorded in the official records of the public body. That record shall include an explanation of the disposition of the matter. Nothing in the Conflict of Interest Law dictates the resolution of a potential conflict of interest matter. Disposition of the potential conflict remains at the discretion and determination of the public official and the public agency involved. The disposition of the

Chapter 199 Oregon Government Standards and Practices Commission

OREGON ADMINISTRATIVE RULES 1997 COMPILATION

matter in no way mitigates an official's obligation to give notice of the potential conflict of interest. For example, at the September 15, 1975, meeting of the Central City Planning Commission, John Doe announced that he owned land in an area the Commission was considering for annexation. When Mr. Doe gave notice of his potential conflict, he was not required to disclose the monetary value of an investment resulting in a potential conflict of interest. No public official need announce the monetary value of an investment resulting in a potential conflict of interest.

(8) A potential conflict of interest does not exist when a public official's action affects to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation, or other group including one of which or in which the official or a member of his household or business with which he is associated is a member or is engaged. For example, a legislator has no potential conflict of interest if he owns a boat and then votes on a measure regarding licensing of private boats. He is voting to license all boats, not his alone. No notice of a conflict need be given.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 4(Temp), f. & ef. 5-29-75; EC 6, f. & ef. 10-8-75; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-020-0020

Statements of Economic Interest

(1) While notices of potential conflicts of interest must be given by all public officials, the filing of Annual Verified Statements of Economic Interest applies to a limited number of public officials.

(2) No dollar amounts of income are recorded in the Annual Verified Statement of Economic Interest. Major sources of income are listed as are other sources of income that may result in potential conflicts of interest.

(3) Officials required to file Annual Verified Statements of Economic Interest are:

- (a)(A) Governor;
- (B) State Treasurer;
- (C) Members of the Legislature;
- (D) Superintendent of Public Instruction;
- (E) Attorney General;
- (F) Secretary of State;
- (G) District Attorneys;
- (H) Commissioner of the Bureau of Labor and Industries.

(b) Any judicial officer, including justices of the peace and municipal judges, except municipal judges in those cities where a majority of the votes cast in the subject city in the 1974 General Election was in opposition to the Ballot Measure provided for in Section 10, Chapter 68, Oregon Laws 1974 (Special Session), and except any pro tem judicial officer who does not otherwise serve as a judicial officer;

(c) Any candidate for a state elective office, any candidate for U.S. Senator and Representative, and any candidate for Municipal Judge in those cities where a majority of the votes cast in the subject city in the 1974 General Election was in opposition to the Ballot Measure provided for in Section 10, Chapter 68, Oregon Laws 1974 (Special Session);

(d) The Deputy Attorney General;

(e) Governor's Assistants, except personal secretaries and clerical personnel;

(f) The Chancellor and Vice Chancellors of the State System of Higher Education;

(g)(A) Officers and employees of the Legislative Assembly other than personal secretaries, interns, and clerical and service personnel;

(B) Persons employed in a professional or scientific capacity to make or conduct a temporary, special inquiry, investigation, or examination on behalf of the Legislative Assembly or Committee thereof or by authority of the Governor.

(h)(A) Adjutant General;

(B) Water Resources Director;

(C) Director of the Oregon State Fair and Exposition Center;

(D) State Geologist;

(E) Director of Division of State Lands Director;

(F) Director of Department of Revenue;

(G) Director of Veterans' Affairs;

(H) Manager of State Accident Insurance Fund;

(I) Executive Director of Oregon Government Ethics Commission;

(J) State Forester;

(K) State Librarian;

(L) Director of Public Employees' Retirement Board;

(M) Director of Insurance and Finance;

(N) Director of Executive Department;

(O) State Fish and Wildlife Director;

(P) Director of Oregon Office of Educational Policy and

Planning;

(Q) Superintendent of State Police;

(R) Public Utility Commissioner;

(S) Director of Agriculture;

(T) Director of Department of Environmental Quality;

(U) Director of Department of General Services;

(V) Director of Department of Human Resources;

(W) Administrator of Liquor Control Commission;

(X) Director of Transportation;

(Y) Director of Department of Energy;

(i) Every member of the following state boards and commissions:

(A) Capitol Planning Commission;

(B) Economic Development Commission;

(C) Board of Geologic and Mineral Industries;

(D) State Board of Education;

(E) Oregon Government Ethics Commission;

(F) State Board of Higher Education;

(G) Oregon Liquor Control Commission;

(H) Mass Transit District Boards;

(I) Board of Commissioners of the Port of Portland;

(J) Oregon Racing Commission;

(K) Wage and Hour Commission;

(L) Fish and Wildlife Commission;

(M) Land Conservation and Development Commission;

(N) State Marine Board;

(O) Environmental Quality Commission;

(P) State Board of Forestry;

(Q) Oregon Health Council and Certificate of Need Appeals

Board;

(R) Oregon Investment Council;

(S) Oregon Short Term Fund Board;

(T) Energy Facility Siting Council;

(U) Employment Relations Board;

(V) Public Employees' Retirement Board;

(W) Water Resources Commission;

(X) Oregon Transportation Commission;

(Y) Worker's Compensation Board.

(j) Every elected city and county official and every person appointed to an elective office to fill a vacancy; every member of a city and county planning, zoning, or development commission and every person appointed to fill a vacancy; and every employee of a city or county who serves as the chief executive officer thereof, in the following cities and counties where a majority of votes cast in that city or county in the 1974 General Election was in favor of the Ballot Measure provided for in Section 10, Chapter 68, Oregon Laws 1974 (Special Session): Those voting in favor of the Measure are:

(A) Baker Co. — Baker City;

(B) Benton Co. — Corvallis; Monroe; Philomath;

(C) Clackamas Co. — Canby; Estacada; Gladstone; Happy Valley; Johnson City; Lake Oswego; Milwaukie; Molalla; Oregon City; Sandy; Tualatin; West Linn; Wilsonville;

(D) Clatsop Co. — Astoria; Cannon Beach; Gearhart; Seaside; Warrenton;

(E) Columbia Co. — Columbia City; Rainier; St. Helens; Scappoose; Vernonia;

(F) Coos Co. — Bandon; Coos Bay; Coquille; Myrtle Point; North Bend; Powers; Lakeside;

(G) Crook Co. — Prineville;

(H) Curry Co. — Brookings; Gold Beach; Port Orford;

Chapter 199 Oregon Government Standards and Practices Commission

OREGON ADMINISTRATIVE RULES 1997 COMPILATION

(I) Deschutes Co. — Bend; Redmond; Sisters;
(J) Douglas Co. — Drain; Elkton; Myrtle Creek; Reedsport;
Riddle; Roseburg; Sutherlin; Winston;
(K) Harney Co. — Burns; Hines;
(L) Hood River Co. — Cascade Locks; Hood River;
(M) Jackson Co. — Ashland; Central Point; Eagle Point;
Gold Hill; Jacksonville; Medford; Phoenix; Shady Cove; Talent;
(N) Jefferson Co. — Culver; Madras;
(O) Josephine Co. — Cave Junction; Grants Pass;
(P) Klamath Co. — Klamath Falls;
(Q) Lane Co. — Coburg; Cottage Grove; Creswell; Dunes
City; Eugene; Florence; Junction City; Lowell; Oakridge;
Springfield; Veneta;
(R) Lincoln Co. — Depoe Bay; Lincoln City; Newport;
Siletz; Toledo; Waldport;
(S) Linn Co. — Albany; Brownsville; Halsey; Lebanon;
Lyons; Mill City; Millersburg; Sweet Home; Tangent;
(T) Malheur Co. — Ontario;
(U) Marion Co. — Aumsville; Aurora; Donald; Gervais;
Hubbard; Jefferson; Salem; Silverton; Stayton; Woodburn;
(V) Multnomah Co. — Fairview; Gresham; Maywood Park;
Portland; Troutdale; Wood Village;
(W) Polk Co. — Dallas; Falls City; Independence;
Monmouth; Willamina;
(X) Tillamook Co. — Bay City; Garibaldi; Rockaway;
Tillamook;
(Y) Umatilla Co. — Hermiston; Pendleton;
(Z) Union Co. — LaGrande; Union;
(AA) Wallowa Co.;
(BB) Wasco Co. — Mosier; The Dalles;
(CC) Washington Co. — Beaverton; Cornelius; Durham;
Forest Grove; Gaston; Hillsboro; North Plains; Sherwood; Tigard;
(DD) Yamhill Co. — Amity; Carlton; Dayton; Dundee;
Lafayette; McMinnville; Newberg; Sheridan.

(4) Each city and county in the state may vote again on the Measure. ORS 244.201 provides that upon initiative petition by the citizens of a city or county, the Measure shall again be placed on the Ballot. This provides local governments a mechanism to change their status with regard to filing requirements.

(5) Cities, counties, state boards and commissions, and others affected by these filing requirements shall inform the Oregon Government Ethics Commission of the names and addresses of those individuals required to file the Statements.

(6) All public officials affected by the filing requirements are required to submit Annual Verified Statements of Economic Interest by the April 15 after assuming office.

(7) Within 30 days after the filing date for the statewide Primary Election, each candidate for elective public office described in the foregoing list and each candidate for United States Senator and Representative shall file with the Commission a Statement of Economic Interest. Forms of the Statements of Economic Interest will be available from the Secretary of State's Office and from the Ethics Commission.

(8) The Statements of Economic Interest filed by public officials remain as public records, regard-less of when a public official ceases to hold office.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 4(Temp), f. & ef. 5-29-75; EC 6, f. & ef. 10-8-75; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-020-0025

Voluntary Filing of Annual Verified State-ments of Economic Interest

(1) Any political subdivision in Oregon, other than a city or county, by resolution may require public officials of the subdivision to file a Statement of Economic Interest. The filing shall be made with the Oregon Government Ethics Commission, and a copy of the resolution or ordinance requiring the filing shall be filed also.

(2) Optional filings by political subdivisions shall be completed on the forms prepared by the Commission pursuant to provisions of Chapter 72, Oregon Laws 1974.

(3) Political subdivisions of the state include all special

districts of the state.

Stat. Auth.: ORS Ch. 244

Hist.: EC 4(Temp), f. & ef. 5-29-75; EC 6, f. & ef. 10-8-75

199-020-0030

Penalty Provisions for Violation of the Act

(1) Penalties for infractions of this Act include the authority of the Oregon Government Ethics Commission to levy a civil penalty not to exceed \$1,000. The amount of such penalties shall be set by the Ethics Commission at the time of such infractions and shall be based on the facts of each case.

(2) In addition to civil penalties, infractions of this Act result in a forfeiture by the public official of twice the amount the official or any other person realized from violation of provisions of this Act.

(3) If the Commission finds that an appointed public official has violated any provision of this Act or any rule adopted pursuant thereto, the finding may constitute grounds for removal from office by the appointing authority or shall constitute prima facie evidence of unfitness where removal is only authorized for cause.

(4) For Failure to File a Statement of Economic Interest, the penalties are:

(a) Suspension of compensation to salaried officials, except judges. The Commission shall notify the appropriate person authorized to disburse the salary, that the salary should be withheld until the Annual Verified Statement of Economic Interest is filed. The appropriate authority shall withhold compensation until notice by the Oregon Government Ethics Commission that the Statement had been filed;

(b) Suspension from exercising official duties for compensated and non-compensated officials.

The Commission shall notify the public official and the body the official serves of the suspension. Until the Statement of Economic Interest is filed, the public official shall remain suspended from participating in the business of the agency he serves when the statement has been filed;

(c) Notification by the Ethics Commission to the Commission on Judicial Fitness and the State Supreme Court for a judge's failure to file the Annual Verified Statement of Economic Interest.

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 4(Temp), f. & ef. 5-29-75; EC 6, f. & ef. 10-8-75; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-020-0035

The Oregon Government Ethics Commission

(1) Organization. The Commission is charged with administrative authority for the Conflict of Interest Law, ORS Chapter 244. Meeting dates are announced pursuant to Open Meetings Law provisions. Further information about the meetings, agendas, and minutes may be obtained from the Commission office. Members of the Commission serve four year terms. Three members are appointed by the Governor and one each appointed by the majority and minority parties of each house of the Legislative Assembly.

(2) Quorum and Final Decisions. A quorum consists of four members of the Commission. A final decision of the Commission means a decision relating to the imposition of penalties, advisory opinions, personnel decisions, administrative rule decisions, budget appropriation matters, and any other matters as determined by the Commission Chairman. A majority of the Commission must affirmatively endorse all decisions.

(3) Citizen Participation. Citizens and public officials, may by signed complaint, request the Commission to review and/or investigate violations and infractions of ORS Chapter 244. The Commission, on its own instigation may also proceed with a preliminary review and/or investigation regarding violation and infractions of ORS Chapter 244. Should the Commission decide not to pursue a request for investigation, it must determine that no probable cause exists to justify the investigation, and so inform the complainant:

(a) Before investigating any complaint or an investigation made on its own instigation, the commission shall make a finding

that there is probable cause to undertake an investigation, notify the public official who is the subject of the investigation, identify the issues to be investigated and shall confine its investigation to those issues. If the commission finds areas to expand its investigation, it shall move to do so and shall record in its minutes the issues to be investigated before expanding the scope of its initial investigation;

(b) In the course of a preliminary review and an investigation, the Commission may require any additional information, administer oaths, take depositions, issue subpoenas to compel attendance of witnesses and the production of books, papers, records, memoranda, or other information necessary to the performance of the Commission's duties;

(c) Findings of the Commission shall be available to the public official who is the subject thereof, to any appointing authority when applicable, and to the Attorney General for state public officials, and to the appropriate District Attorney for local public officials, and to the Commission on Judicial Fitness in matters concerning a judge.

(4) Advisory Opinions. Citizens may request, from the Commission, advisory opinions. These opinions are intended to clarify provisions of the statute as they relate to actual or hypothetical circumstances. The Commission may also issue advisory opinions on its own initiative. Citizens and public officials are urged by the Commission to request such opinions in matters causing mis-understandings or confusion.

(5) Procedures. The Oregon Government Ethics Commission operates under procedures of the "Attorney General's Model Rules of Practice and Procedure".

Stat. Auth.: ORS 171.776(3) & 244.290(5)

Hist.: EC 4(Temp), f. & ef. 5-29-75; EC 6, f. & ef. 10-8-75; EC 1-1990, f. 7-31-90, cert. ef. 7-26-90

199-020-0050

Filing Deadlines

Statements of Economic Interest postmarked on or before the due date will be accepted as filed on the due date.

Stat. Auth.: ORS Ch. 244

Hist.: EC 13, f. & ef. 1-31-77

Civil Penalties

199-020-0070

Public Officials Representing Non-Public Interests

(1) No public official shall assist any person or business or act in a representative capacity before a public agency for compensation in any transaction involving the public official's employer unless such representation is part of the ordinary course and scope of the public official's employment.

(2) Public officials compensated as expert witnesses in matters involving the public official's public employer shall pay over said compensation to their public employer.

(3) This rule shall not prohibit a Legislator from representing clients before state agencies if such representation is not otherwise prohibited by law.

Stat. Auth.: ORS Ch. 244

Hist.: EC 18, f. & ef. 3-4-77