## RELATIVE

<table>
<thead>
<tr>
<th>Of Public Official</th>
<th>Of Public Official’s Spouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spouse</td>
<td>Parent, Stepparent</td>
</tr>
<tr>
<td>Parent, Stepparent</td>
<td>Child</td>
</tr>
<tr>
<td>Child</td>
<td>Sibling, Stepsibling</td>
</tr>
<tr>
<td>Sibling, Stepsibling</td>
<td>Son-in-law, Daughter-in-law</td>
</tr>
<tr>
<td>Son-in-law, Daughter-in-law</td>
<td></td>
</tr>
<tr>
<td>Legal Support Obligation</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td></td>
</tr>
</tbody>
</table>

See [ORS 244.020(16)](https://leg.state.or.us/laws/ORS/244/ORS-244-020-16.html).

(11) “Member of the household” means any person who resides with the public official or candidate.

See [ORS 244.020](https://leg.state.or.us/laws/ORS/244/ORS-244-020.html).
BUSINESS

(2) “Business” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

(3) “Business with which the person is associated” means:
   (a) Any private business or closely held corporation of which the person or the person’s relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person’s relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth $1,000 or more at any point in the preceding calendar year;
   (b) Any publicly held corporation in which the person or the person’s relative owns or has owned $100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year;
   (c) Any publicly held corporation of which the person or the person’s relative is a director or officer; or
   (d) For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060 (3). ORS 244.050.
CONFLICTS OF INTEREST

(1) “Actual conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (13) of this section. See ORS 244.020.

(13) “Potential conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person’s relative, or a business with which the person or the person’s relative is associated, unless the pecuniary benefit or detriment arises out of the following:
   (a) 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.
   (b) Any action in the person’s official capacity which would affect 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 person, or the person’s relative or business with which the person or the person’s relative is associated, is a member or is engaged.
   (c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code. ORS 244.020.

*(3) The commission may adopt rules that:
   (a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes that qualify under the class exception from the definition of “potential conflict of interest” under ORS 244.020; ORS 244.290.

NOTES

_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________
Methods of handling conflicts; Legislative Assembly; judges; appointed officials; other elected officials or members of boards.

...  
(2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:
   
   (a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or
   
   (b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:
   
   (A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.
   
   (B) If any public official’s vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

(3) Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so. ORS 244.120.
GIFTS

(7) (a) “Gift” means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

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

(B) For valuable consideration less than that required from others who are not public officials or candidates. ORS 244.020.

Gift limit. (1) During a calendar year, a public official, a candidate or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of $50 from any single source that could reasonably be known to have a legislative or administrative interest. ORS 244.025.
(7) (b) “Gift” does not mean:

(A) Contributions as defined in ORS 260.005. (Campaign contributions)

(B) Gifts from relatives or members of the household of the public official or candidate.

(C) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than $25.

(D) Informational or program material, publications or subscriptions related to the recipient’s performance of official duties.

(E) Admission provided to or the cost of food or beverage consumed by a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, at a reception, meal or meeting held by an organization when the public official represents state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(F) Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

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

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

(i) On an officially sanctioned trade-promotion or fact-finding mission; or

(ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

(I) Food or beverage consumed by a public official acting in an official capacity:

(i) In association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;

(ii) While engaged in due diligence research or presentations by the office of the State Treasurer related to an existing or proposed investment or borrowing; or

(iii) While engaged in a meeting of an advisory, governance or policy-making body of a corporation, partnership or other entity in which the office of the State Treasurer has invested moneys.
(J) Waiver or discount of registration expenses or materials provided to a public official or candidate at a continuing education event that the public official or candidate may attend to satisfy a professional licensing requirement.

(K) Expenses provided by one public official to another public official for travel inside this state to or from an event that bears a relationship to the receiving public official’s office and at which the official participates in an official capacity.

(L) Food or beverage consumed by a public official or candidate at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

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

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

(O) Anything of economic value offered to or solicited or received by a public official or candidate, or a relative or member of the household of the public official or candidate:
   (i) As part of the usual and customary practice of the person’s private business, or the person’s employment or position as a volunteer with a private business, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, not-for-profit corporation or other legal entity operated for economic value; and
   (ii) That bears no relationship to the public official’s or candidate’s holding of, or candidacy for, the official position or public office.

(P) Reasonable expenses paid to a public school employee for accompanying students on an educational trip. ORS 244.020.
ORS 244.020(6)(b) provides a description of the **GIFTS THAT ARE ALLOWED** as exclusions to the definition of a “gift”:

**[NOTE: Not all of these exclusions apply to gifts offered to candidates.]**

- Campaign contributions as defined in ORS 260.005. *(ORS 244.020(6)(b)(A)*)
- Contributions to a legal expense trust fund established under ORS 244.209. *(ORS 244.020(6)(b)(G)*)
- Gifts from relatives or members of the household of public officials or candidates. *(ORS 244.020(6)(b)(B)*)
- Anything of economic value received by a public official or candidate, their relatives or members of their household when; *(ORS 244.020(6)(b)(O)*)
  
  The receiving is part of the usual and customary practice of the person’s business, employment, or volunteer position with any legal non-profit or for-profit entity. *(ORS 244.020(6)(b)(O)(i)*)

  The receiving bears no relationship to the person’s holding the official position or public office. *(ORS 244.020(6)(b)(O)(ii)*)

- Unsolicited gifts with a resale value of less than $25 and in the form of items similar to a token, plaque, trophy and desk or wall mementos. *(ORS 244.020(6)(b)(C) and see resale value discussed in OAR199-005-0010)*

- Publications, subscriptions or other informational material related to the public official’s duties. *(ORS 244.020(6)(b)(D)*)

- Waivers or discounts for registration fees or materials related to continuing education or to satisfy a professional licensing requirement for a public official or candidate. *(ORS 244.020(6)(b)(J)*)

- Entertainment for a public official or candidate and their relatives or members of their households when the entertainment is incidental to the main purpose of the event. *(ORS 244.020(6)(b)(M) and see OAR 199-005-0001(3) and OAR 199-005-0025(1) for meaning of “incidental”)*

- Entertainment for a public official, a relative of the public official or a member of the public official’s household when the public official is acting in an official capacity and
representing a governing agency for a ceremonial purpose. [ORS 244.020(6)(b)(N) and see “ceremonial” defined in OAR 199-005-0025(2)]

- Cost of admission or food and beverage consumed by the public official, a member of the public official’s household or staff when they are accompanying the public official, who is representing government, state, local or special district, at a reception, meal or meeting held by an organization. [ORS 244.020(6)(b)(E) and see this exception discussed in OAR 199-005-0015]

- Food or beverage consumed by a public official or candidate at a reception where the food and beverage is an incidental part of the reception and there was no admission charged. [ORS 244.020(6)(b)(L) and OAR 199-005-0025(1) also see OAR 199-005-0001(3) and (8)]

- When public officials travel together inside the state to an event bearing a relationship to the office held and the public official appears in an official capacity, a public official may accept the travel related expenses paid by the accompanying public official. [ORS 244.020(6)(b)(K)]

- Payment of reasonable expenses if a public official is scheduled to speak, make a presentation, participate on a panel or represent a government agency at a convention, conference, fact-finding trip or other meeting. The paid expenses for this exception can only be accepted from another government agency, Native American Tribe, an organization to which a public body pays membership dues or not-for-profit organizations that are tax exempt under 501(c)(3). [ORS 244.020(6)(b)(F) and see definition of terms for this exception in OAR 199-005-0020]

- Payment of reasonable food, lodging or travel expenses for a public official, a relative of the public official or a member of the public official’s household or staff may be accepted when the public official is representing the government agency or special district at one of the following: [ORS 244.020(6)(b)(H) and see definition of terms for this exception in OAR 199-005-0020]
  - Officially sanctioned trade promotion or fact-finding mission; [ORS 244.020(6)(b)(H)(i)]
  - Officially designated negotiation or economic development activity when receipt has been approved in advance. [ORS 244.020(6)(b)(H)(ii)]

  [NOTE: How and who may officially sanction and officially designate these events is addressed in OAR 199-005-0020(2)(b).]

- Payment of reasonable expenses paid to a public school employee for accompanying students on an educational trip. [ORS 244.020(6)(b)(P)]
A GIFT IS: something of economic value not offered to others who aren’t public officials (relatives or household members) on the same terms and conditions (ORS 244.020(7)(a))

But an offer is **NOT A GIFT** if it fails to meet the above definition OR if it is offered by the public entity the public official represents.

* However, Prohibited Use of Office (ORS 244.040) may apply

### EXCEPTIONS TO THE GIFT LIMIT (ORS 244.020(7)(b)(A)-(O))

<table>
<thead>
<tr>
<th>Classification</th>
<th>Description</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admission/Food/Bev</td>
<td>Representing government at reception/meal/meeting Invited &amp; paid for by organization Private meal Incidental to main purpose of event No cost to attendees Sit-down meal</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$50 limit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(E) exception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(L) exception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$50 limit</td>
<td></td>
</tr>
<tr>
<td>Food/Lodging/Travel</td>
<td>Paid by gov’t/tribe/501(c)(3)/membership org to which public body pays dues Invited to represent gov’t/speak/present/participate on panel Representing gov’t w/ supervisor prior written approval</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(F) exception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(H) exception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(K) exception</td>
<td></td>
</tr>
<tr>
<td>Entertainment</td>
<td>Incidental to main purpose of another event</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Representing gov’t at event for ceremonial purpose Invited by source of entertainment for a related special occasion (ceremony)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(M) exception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(N) exception</td>
<td></td>
</tr>
<tr>
<td>Gift as customary business practice</td>
<td>Gift is usual/customary practice of the private business</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bears no relationship to public official’s official position</td>
<td></td>
</tr>
<tr>
<td>Award</td>
<td>Unsolicited award of appreciation Plaque, trophy, desk or wall item, or similar &amp; resale value &lt; $25 (incl. cost of raw material)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(C) exception</td>
<td></td>
</tr>
<tr>
<td>Professional Licensing/Materials</td>
<td>Information/publications/subscriptions related to performance of recipient’s official duties Continuing education expenses paid for professional licensing requirement</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(D) exception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(I) exception</td>
<td></td>
</tr>
</tbody>
</table>

*This is a training tool not intended to substitute for review of law; select gift exceptions ((A), (B), (G), (I), (P)) excluded
PROHIBITED USE

Prohibited use of official position or office; exceptions; other prohibited actions.

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

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

(a) Any part of an official compensation package as determined by the public body that the public official serves.
(b) The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042.
(c) Reimbursement of expenses.
(d) An unsolicited award for professional achievement.
(e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or a relative or member of the household of the public official from a source that could reasonably be known to have a legislative or administrative interest.
(f) Gifts received by a public official or a relative or member of the household of the public official from a source that could not reasonably be known to have a legislative or administrative interest.
(g) The receipt by a public official or a relative or member of the household of the public official of any item, regardless of value, that is expressly excluded from the definition of “gift” in ORS 244.020.
(h) Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official.

(3) A public official may not solicit or receive, either directly or indirectly, and a person may not offer or give to any public official any pledge or promise of future employment, based on any understanding that the vote, official action or judgment of the public official would be influenced by the pledge or promise.

(4) A public official may not attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of holding position as a public official or activities of the public official.

(5) A person who has ceased to be a public official may not attempt to further or further the personal gain of any person through the use of confidential information gained in the course of or by reason of holding position as a public official or the activities of the person as a public official.

(6) A person may not attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person’s employer, business partner or other associate.

(7) The provisions of this section apply regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed under ORS 244.120. ORS 244.040.
NEPOTISM

Employment of relative or member of household; exceptions.
(1) Except as provided in subsections (2) to (4) of this section:
   (a) A public official may not appoint, employ or promote a relative or member of the household to, or discharge, fire or demote a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control, unless the public official complies with the conflict of interest requirements of this chapter.
   (b) A public official may not participate as a public official in any interview, discussion or debate regarding the appointment, employment or promotion of a relative or member of the household to, or the discharge, firing or demotion of a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control. As used in this paragraph, “participate” does not include serving as a reference, providing a recommendation or performing other ministerial acts that are part of the normal job functions of the public official.

(2) A member of the Legislative Assembly may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position on the personal legislative staff of the member of the Legislative Assembly.

(3) A public official may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position as an unpaid volunteer with the public body that the public official serves or over which the public official exercises jurisdiction or control. Paragraph (a) of this subsection does not apply to the appointment, employment, promotion, discharge, firing or demotion of a relative or member of the household to a position as an unpaid member of a governing body of the public body that the public official serves or over which the public official exercises jurisdiction or control.

(4) This section does not prohibit a public body from appointing, employing, promoting, discharging, firing or demoting a person who is a relative or member of the household of a public official serving the public body.

ORS 244.177.
SUPERVISION

Supervision of relative or member of household; exceptions.

(1) Notwithstanding ORS 659A.309 and except as provided in subsections (2) to (4) of this section, a public official acting in an official capacity may not directly supervise a person who is a relative or member of the household.

(2) A member of the Legislative Assembly may directly supervise a person who:
   (a) Is a relative or member of the household; and
   (b) Serves as a public official in a position on the personal legislative staff of the member of the Legislative Assembly.

(3) (a) A public official acting in an official capacity may directly supervise a person who is a relative or member of the household if the person serves as an unpaid volunteer.
   (b) Paragraph (a) of this subsection does not apply to service by a person in a position as an unpaid member of a governing body that a public official of whom the person is a relative or member of the household serves or over which the public official exercises jurisdiction or control.
   (c) A relative or member of the household serving as an unpaid volunteer described in paragraph (a) of this subsection may receive reimbursement of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.

(4) A public body may adopt policies specifying when a public official acting in an official capacity may directly supervise a person who is a relative or member of the household. ORS 244.179.
**ADDITIONAL RESOURCES**

**Oregon Revised Statutes** Chapter 244, Government Ethics

**Oregon Government Ethics Commission**
- Website: [www.oregon.gov/OGEC](http://www.oregon.gov/OGEC)
- Email: ogec.mail@Oregon.gov
- Phone: 503-378-5105

A Guide for Public Officials (2010),

Supplement (2015),


**Oregon School Boards Association**
- Website: [www.osba.org](http://www.osba.org)
- Email: info@osba.org, slewis@osba.org
- Phone: 800-578-6722, 503-588-2800

Frequently Asked Questions,
[http://www.osba.org/Resources/Article/Legal/Oregon_Ethics_Laws.aspx](http://www.osba.org/Resources/Article/Legal/Oregon_Ethics_Laws.aspx)

Policies BBFA, BBFB (Board Members), GBC (Staff), updated in January 2016 Policy Update.
OREGON ETHICS LAW FAQ

To whom do the ethics laws apply?

- Ethics laws apply to public officials and candidates.
- A public official “means the First Partner and any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body ... as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.” ORS 244.020(15).
- This includes, but is not limited to, school board members, superintendents, business officials, office clerical staff, principals, teachers, classified staff, and volunteer coaches.

What is a Statement of Economic Interest?

The Superintendent and the District Financial Officers need to each file an Annual Verified Statement of Economic Interest form with the Oregon Government Ethics Commission. School board members do not need to file this form.

RELATIVES

Who is considered a relative for the purposes of the ethics law?

- Spouse or domestic partner of a public official.
- Parent or stepparent of the public official or spouse.
- Child of the public official or spouse.
- Sibling or stepsibling of the public official or spouse.
- Son-in-law or daughter-in-law of the public official or spouse.
- Any individual who the public official is obliged to support.
- Any individual who receives the public officials employment benefits (e.g. health insurance), or from whom the public official receives benefits.

CONFLICT OF INTEREST

What is a Conflict of Interest?

There are two types of conflicts of interests:

- A potential conflict of interest means official action taken by a public official that could financially impact the public official, a relative, or a business involving the public official or a relative.
- An **actual** conflict of interest means official action taken by a public official that **would** financially impact the public official, a relative, or a business involving the public official or a relative.

**What must I do when I have a conflict of interest?**

Public employees: if a public employee has a conflict of interest, they are required to notify their supervisor(s) of the conflict. This should be done in writing. The supervisor will then determine how to dispose of the matter.

Board members:

- **Potential Conflicts** - If a board member has a potential conflict of interest, then the board member must publicly declare the conflict. The board member is still allowed to debate and vote on the issue.

- **Actual Conflicts** - If a school board member has an actual conflict of interest, then the board member must publicly declare the conflict. The board member is not allowed to debate or vote on the issue.

  It is the board member’s responsibility to make sure that the board secretary includes the conflict in the minutes.

**NEPOTISM & SUPERVISION**

**Can I hire my sister?**

No. A public official may not participate in employment decisions regarding relatives or household members. Ethics laws seek to prohibit nepotism in employment decisions and public officials may not participate in interviews, debates, or discussions regarding the hiring or firing of relatives or household members.

**Can I write a reference for my relative or household member?**

Yes, a public official may serve as a reference or provide a recommendation.

**Can I appoint my child as an unpaid volunteer?**

Generally, yes. Public officials are allowed to appoint and discharge relatives and household members to and from unpaid volunteer positions. However, a board member cannot appoint a relative or household member to serve on the Board.

**I am my spouse’s supervisor. Is that acceptable?**

Probably not. Generally, a public official may not directly supervise relatives or household members. There is a provision that allows for the supervision of a relative or household member if policies have been adopted specifying when a public official may directly supervise a relative or household member. A district would want to work with the OGEC if they seek to allow this.
FINANCIAL GAIN

What is the “but for” test?

A public official shall not use the official position to obtain financial gain or avoid financial detriment that would not otherwise be available but for the public official’s position. ORS 244.040.

What is an example of unlawful financial gain?

Using district equipment (e.g. phones, computers, wood shop tools, vehicles, or storage space) when the public does not have the same access to this equipment.

What is NOT considered unlawful financial gain?

Anything acquired through the official compensation package is not “financial gain.” Also, reimbursement of expenses, unsolicited awards for professional achievement, and honorariums are not considered “financial gain.”

How does the rule prohibiting financial gain affect contracts?

Public officials may not directly receive a beneficial interest in a contract which they authorized for the two years following the contract’s authorization.

GIFTS

What is the law regarding accepting gifts?

Generally, receiving a gift valued at greater than $50 from someone with a legislative or administrative interest in the public body is prohibited. The limitation applies to public officials, as well as the official’s relatives and household members.

What is considered a gift?

A “gift” is something of economic value received by the official, relatives or household members for a value less than is required from the public.

When can I accept an entertainment gift?

Entertainment gifts refer to invitations to events or activities put on for the purpose of recreation or amusement. (E.g. concerts, plays, sporting events, hunting). Generally, these gifts from one with a legislative or administrative interest in the public body are subject to the $50 annual limit.

How does the gift limit apply to meals and beverages?

Food and beverages consumed in the presence of the buyer is subject to the $50 limit. However, you may accept food and beverage at a reception when it is an incidental part of the reception. Also, food or beverage consumed at the event when the public official represents the public entity is not a gift.
What gifts are not prohibited by ethics law?

- Gifts of any value if the giver does not have a legislative/administrative interest in the public entity.
- Gifts of $50 or less from a single source with a legislative/administrative interest in the public entity are acceptable.
- Gifts received as part of usual or customary practice of a person’s private employment that bears no relationship to the person’s public position.
- Unsolicited awards of appreciation with a resale value of less than $25 dollars (e.g. engraved plaques).
- Reasonable expenses provided to the public official, relatives or household member, or staff when the public official is representing the public entity or speaking in various forums.
- Reasonable expenses paid to a public school employee for accompanying students on an educational trip.

LEGISLATIVE OR ADMINISTRATIVE INTEREST

What is a “legislative or administrative interest?”

The definition of “legislative or administrative interest” is an economic interest, distinct from that of the general public, in any matter subject to the vote or decision of the public official (acting in the capacity of a public official). For example, if the district is soliciting bids on a construction project, a bidding company likely has a “legislative or administrative interest” in the district. In general, if a business sells something to a school district or bids on a district’s request for proposals, then the business has a “legislative or administrative interest.”

When does an employee have “legislative or administrative interests?”

In an employee-supervisor relationship, typically the employee has a “legislative or administrative interest” in the supervisor as the employee has an economic interest in the actions of supervisors. For this reason, gifts from an employee to a supervisor are subject to the $50 annual gift limit. On the other hand, it is not a violation of ethics laws if a supervisor gave a gift over $50 to an employee since the same legislative/administrative interest does not exist.

ENFORCEMENT

Who enforces ethics laws?

The Oregon Government Ethics Commission (OGEC) is the administrative agency that enforces Oregon’s ethics laws. The OGEC was created in 1974 by a state-wide ballot measure in the shadow of the Watergate scandal. The set of ethics laws found in the Oregon Revised Statutes were created at the same time.

What are the penalties for ethics violations?

The maximum penalty for an ethics violation is $5,000. In addition to this penalty, if a public official financially benefited by violating Oregon’s ethics laws, the OGEC can impose a civil penalty in an amount equal to twice the amount the public official realized as a result of the violation.