



Construction Contractors Board

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State of Oregon
Tina Kotek, Governor

Zoom Meeting Call In: 1 (669) 254-5252, Meeting ID: 160 584 8295 Passcode: 281152

The meeting is accessible to the public by telephone, video conference, or in-person attendance. To request video conference information, please contact Julie Nadeau by email at Julie.t.nadeau@ccb.oregon.gov at least 48 hours prior to the meeting.

DRAFT
4/16/2024

NOTICE OF PUBLIC MEETING
CCB Board Meeting
201 High St SE, Salem and Zoom Videoconference
Wednesday, April 24, 2024
8:30 a.m. – 11:30 a.m.

	Page
Meeting Called to Order	
Roll Call	
Approval of the Agenda	ACTION ITEM (pg 1)
Approval of the Minutes February 21 and March 27, 2024 Board meeting.....	ACTION ITEM (pg 2)
Board Calendar:	
Next Meeting: June 26, 2024 at 8:30 am.....	(pg 5)
Public Comment	
Agency Reports	
1. Agency Update (Chris Huntington)	
a. Proposal to Study Changes to Fee Structure.....	(pg 6)
c. Budget Report.....	(pg 10)
b. Data Dashboard 4/2024.....	(pg 11)
2. Licensing (Dana Zeimantz)	
a. CCB Licensing Program Update	(pg 30)
3. Information Technology (Noel Magee)	
a. IT Update	(pg 31)
4. Education (Leslie Culpepper)	
a. Communication and Education Program Update	(pg 33)
5. Enforcement (Vena Swanson)	
a. Enforcement Update.....	(pg 45)
Old Business	
None	
New Business	
1. Enforcement Consent Agenda (Vena Swanson).....	ACTION ITEM (pg 46)
2. Ethics training for Board members (Charlie Esparza, OGEC)	(pg 57)
Adjournment	

The Board may meet in executive session under authority of ORS 192.660 from time to time. The specific statutory basis for the executive session will be announced on the record prior to the commencement of the executive session. Executive sessions are closed to the public. The Board may recess the public meeting, in order to deliberate privately, under authority of ORS 192.690(1). The public meeting will then reconvene for the purpose of decision-making. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting; contact Julie Nadeau by email at Julie.t.nadeau@ccb.oregon.gov or by phone at (503) 934-2217 to make arrangements.

**MINUTES OF THE FEBRUARY 21, 2024
CONSTRUCTION CONTRACTORS BOARD MEETING
PUBLIC SESSION**

The Construction Contractors Board (CCB) met on Thursday, February 21, 2024, in person at 201 High St SE, Salem OR and via Zoom teleconference.

ATTENDEES:

Board members appearing: Chair Dylan Bochsler, Vice Chair Eric Olsen, Deb Flagan, Rosa Martinez, Abel Carbajal, Brent Landels, and Nate Gerding

Board members absent: Sean VanGordon

Staff: Administrator Chris Huntington, Board Secretary Julie Nadeau, Education Manager Leslie Culpepper, Licensing Manager Dana Zeimantz, and Assistant Attorney General Catriona McCracken

MEETING CALLED TO ORDER:

Chair Bochsler called the meeting to order at 8:45 am, noting the delay related to technology issues.

APPROVAL OF AGENDA:

MOTION: Eric Olsen moved to approve the agenda as presented. Brent Landels seconded the motion.

BOARD ACTION: 7 Ayes; Motion to approve carried unanimously.

APPROVAL OF MINUTES:

AAG Catriona McCracken noted a change to the minutes of December 6, 2023 to reflect that the board would move into public rulemaking rather than public hearing.

MOTION: Deb Flagan moved to approve the minutes of October 25, 2023 as presented and the minutes of December 6, 2023 as amended. Eric Olsen seconded the motion.

BOARD ACTION: 7 Ayes; Motion to approve carried unanimously.

DATE OF NEXT SCHEDULED MEETING: The next meeting is scheduled for March 27, 2024 in person from the 1st floor Hearing Room at 201 High Street SE, Salem, Oregon and via Zoom teleconference. The sole topic on the next agenda will be the proposed fee increase.

PUBLIC COMMENT:

No public comment

AGENCY REPORTS:

Chris Huntington, Agency Administrator reported progress made related to the proposed fee increase, noting that two informational webinars had been conducted with the PowerPoint and webinar recording posted to the website. The board will hold a special meeting on March 27, 2024 with the fee increase being the only agenda item. All public comment will be gathered and compiled for the board prior to that meeting.

Chris provided a budget update, noting that the salary pot has been applied and that revenue is up year over year.

Dana Zeimantz, Licensing Manager provided an update on the online application project, which has seen approximately 100 applications to help staff refine processes and work out bugs before links are offered on the website. With a small team performing the testing, they're managing to issue those licenses within about a week. Dana also discussed the bond implementation project, noting that suspensions were limited to about

220 of the 51,000 licenses affected. It was noted that call times have been reduced and that issues are resolved whenever possible while the caller is on the phone.

In the absence of the IT Manager Noel Magee, Chris Huntington, Agency Administrator reported that DAS has required all state phones to be moved to a new Mobile Device Management system, which has taken up a considerable amount of time for the IT staff in addition to the work related to the bond increase requirement.

Leslie Culpepper, Education Manager shared that her staff has officially entered their outreach season, which is the busiest season for the team with an increase in classes offered and more certificates are issued, as well as the heavy schedule for home shows and community events. There was also a press release for homeowners related to the ice storm. Leslie discussed the increase in first-time passage rate for Spanish speakers, noting that the changes in 2022 still seem to be having a positive effect.

In the absence of Enforcement Manager Vena Swanson, Chris Huntington, Agency Administrator discussed the upcoming sweeps season for the enforcement team. Staff in all parts of Enforcement have also been working on use cases for the upcoming license system replacement (LSR) project, they've hired two new mediators and are working on cross-training staff within the section to "do more without more".

Eric Olsen asked about the release of liability statement within the settlement agreement and AAG Catriona McCracken agreed to review the language.

OLD BUSINESS:

None

NEW BUSINESS:

Enforcement Consent Agenda

Dylan Bochsler noted a potential conflict of interest related to license #133702 in Final Orders.

MOTION: Brent Landels made a motion to approve the Notices of Intent and Final Orders on the Enforcement Consent Agenda. Deb Flagan seconded the motion.

BOARD ACTION: 7 Ayes; Motion to approve carried unanimously.

The meeting adjourned at 9:33 am.

**MINUTES OF THE MARCH 27, 2024
CONSTRUCTION CONTRACTORS BOARD MEETING
PUBLIC SESSION**

The Construction Contractors Board (CCB) met on Wednesday, March 27, 2024, via Zoom teleconference.

ATTENDEES:

Board members appearing: Chair Dylan Bochsler, Vice Chair Eric Olsen (8:38 am), Deb Flagan, Abel Carbajal, Brent Landels, Sean VanGordon and Nate Gerding

Board members absent: Rosa Martinez

Staff: Administrator Chris Huntington, Board Secretary Julie Nadeau, Education Manager Leslie Culpepper, IT Manager Noel Magee, Policy Analyst Shannon Flowers, and Assistant Attorney General Catriona McCracken

MEETING CALLED TO ORDER:

Chair Bochsler called the meeting to order at 8:33 am.

APPROVAL OF AGENDA:

MOTION: Deb Flagan moved to approve the agenda as presented. Brent Landels seconded the motion.

BOARD ACTION: 7 Ayes; Motion to approve carried unanimously.

DATE OF NEXT SCHEDULED MEETING: The next meeting is scheduled for June 26, 2024 in person from the 1st floor Hearing Room at 201 High Street SE, Salem, Oregon and via Zoom teleconference.

NEW BUSINESS:

Proposed Fee Increase

Administrator Chris Huntington summarized the process taken by the board, stressing that the CCB encouraged as much public engagement as possible by providing notices to contractors and the public through multiple mediums, holding public informational forums, and allowing significant opportunity for public comment during a period that exceeded requirements. Many of the public comments included positive suggestions that the CCB plans to implement regardless of the fee increase.

Board members discussed the comments received, reviewing the options and need for the fee increase to provide stability for the agency. Each board member provided context for their support of the fee increase, which included technological efficiencies needed to keep pace, maintaining staffing levels without growth to keep pace with the growing industry, and significant increases in the cost of doing business without raising fees for 14 years. Administrator Huntington noted that industry partners, while in support of the current fee increase, made a sound request for planned future increases that would allow for smaller increases based on established criteria. The board also discussed additional research regarding graduated fee structures.

MOTION: Eric Olsen made a motion to approve the changes to OAR 812-003-0142 License Application Fees as submitted. Brent Landels seconded the motion.

BOARD ACTION: 7 Ayes; Motion to approve carried unanimously.

The meeting adjourned at 9:04 am.

2024 CCB Board Meeting Calendar		
DATE	NOTED ITEMS	LOCATION
February 21, 2024	Oregon Government Ethics	1st Floor Hearings Room or Teleconference via ZoomGov
March 27, 2024	Special Meeting: Proposed Fee Increase	1st Floor Hearings Room or Teleconference via ZoomGov
April 24, 2024	Ethics Training	1st Floor Hearings Room or Teleconference via ZoomGov
June 26, 2024		1st Floor Hearings Room or Teleconference via ZoomGov
August 21, 2024	KPM Best Practices Survey Finalized	1st Floor Hearings Room or Teleconference via ZoomGov
October 16, 2024		1st Floor Hearings Room or Teleconference via ZoomGov
December 4, 2024	Annual Performance Review of Administrator	1st Floor Hearings Room or Teleconference via ZoomGov

The following dates will be reserved for potential meetings in the event that urgent matters arise requiring immediate action by the Board. Board members and the public will be notified in advance when a meeting is going to occur and whether it will be held in person (Salem) or via Zoom teleconference.

- January 24, 2024
- May 22, 2024
- July 24, 2024
- September 18, 2024

CONSTRUCTION CONTRACTORS BOARD

201 High Street SE, Suite 600
PO Box 14140
Salem, OR 97309-5052
503-378-4621



Memorandum

To: Construction Contractors Board
From: Chris Huntington
Date: April 2024
Subject: Proposal to Study Changes to Fee Structure

Action Requested

Review and provide comment and feedback on proposal to study policy changes that were raised as part of the fee increase public comment period.

Background

The Construction Contractors Board recently adopted an increase to the contractor license fee -- the first increase since 2010. The board's action means that the two-year contractor license fee will be increased by \$75 from \$325 to \$400. The new fee will be implemented over the next two years as follows:

- For Renewal of an existing contractor license the new fee will apply beginning July 1, 2024
- For an application for a new contractor license the new fee will apply beginning July 1, 2025

The board determined that the increase is needed to address the existing budget deficit, provide sustainable financial support, and ensure the viability of license system replacement. The agency further projects that improved efficiency created by implementation of the new system will allow the agency to persist near current staffing levels even if there is additional growth in the industry.

Because CCB fee rates are established by administrative rule they can be adjusted by board action outside of the biennial budget authorization process. Statute also requires that such adjustments be approved by the Department of Administrative Services and also ratified by the legislature at the next regular session. The board's action has been approved by DAS (see attached) and the final rule filing has been filed with the Secretary of State.

The fee changes applicable to the current biennium will be considered as part of a fee ratification bill near the beginning of the 2025 legislative session. The portion of the fee increase that begins next biennium will be considered as part of the CCB's 2025-2027 budget. While this adds an additional layer of complexity the board determined this was an appropriate step to delay the impact of this additional cost on new businesses.

Public Comments and Additional Study

The agency engaged in a robust public process as part of the proposed fee changes. The agency opened a 10-week public comment period and broadly communicated the opportunity to provide comments on three different occasions. The agency established a web page covering all of the details related to the board's decision-making process and the factors considered. The agency also held two public information webinars related to the proposed increase.

The board ultimately determined that the increase was a necessary step to maintain financial stability, support adequate services and ensure the viability of the license system modernization project. The board also identified common themes raised in the comments and requested additional information and study related to the potential for future fee adjustments and possible changes to the existing fee structure.

CONSTRUCTION CONTRACTORS BOARD

201 High Street SE, Suite 600
PO Box 14140
Salem, OR 97309-5052
503-378-4621



Review of Agency Fee and Revenue Structure

Background: Many of the comments suggested that the agency should adopt a fee structure that distinguishes between the relative size of the firms, charging higher fees to larger firms and lesser fees to smaller firms. While there was no consensus on exactly how to achieve this there was significant support for a fee structure that better reflected the large spectrum of industry participants and made a better accounting of ability to pay based on size and activity. Some comments, including the industry letter signed by several contractor industry associations, also suggested that the board should also consider adopting a standardized and periodic review of agency fees in order to improve predictability of future increases.

Differential Rate based on Firm Size

Historically the CCB has had a flat rate fee, in which all firms pay the same application and renewal fee regardless of size. Several other states do have a model that charges different fee rates for different types of firms and different entity types. Based on direction from the board CCB staff will:

- Identify and summarize models in other states that charge variable fee rates based on size, entity type, revenue or other distinguishing characteristics.
- Model revenue impact of adopting similar model in Oregon to the degree possible given existing data.

Periodic Review and Indexed Increase

Historically there has not been a scheduled review of agency fees nor is there a pre-determined criteria for assessing adequacy of services in light of cost increases over time and when adjustments should be made. The lack of such a predetermined approach can harm predictability and lead to larger increases at irregular intervals rather than more predictable incremental adjustments. Some other states do have a regularly scheduled periodic review of revenue and increases that are indexed to a pre-determined set of factors. Based on direction from the board CCB staff will:

- Identify and summarize existing models in other states for establishing regular periodic review of changes in costs over time and pre-determined metrics for determining that fees should be adjusted.
- Gather information from other states related to effectiveness of such models at reflecting increasing fiscal needs over time and matching adjustments to support agency needs in a fashion that is more predictable for the industry.

Approach

The agency views the direction from the board as being in support of future changes and not as an alternative to the recently adopted fee increase. As such the agency proposes taking some time to properly research and consider alternatives through a deliberative process, but not kick the project out so far that it loses steam. The agency proposes to spend several months researching models in other states and gathering information. This would be followed by establishing a sub-committee of industry representatives to review the information, assess the impact of various alternatives and provide insights on preferable alternatives. This information could be returned to the board in order to develop policy proposals for future adoption. An estimated schedule follows:

- May-June: Agency research of other state models, information gathering and modeling alternatives.
- July -September: Convene sub-committee to review materials and discuss proposed alternatives.
- October- Early 2025: Develop proposed policy changes and determine path forward.

Fee Approval Form

REQUEST FOR FEE INCREASE/ESTABLISHMENT/DECREASE

<p>PART 1 (State agencies: Complete when requesting authority to increase or establish fees administratively, or when notifying DAS of a fee decrease.)</p> <p>Agency Name: <u>Construction Contractors Board</u> Agency Number: <u>91500</u></p> <p>Division/Program: <u>Licensing</u> Contact: <u>Chris Huntington/Administrator/503-934-2184</u> <small>(Name and phone number.)</small></p> <p>Brief Description of Fee Change: Increase contractor license renewal fee from \$325 to the same flat fee of \$400 effective 7/1/2024 to cover increased costs associated with licensure and enforcement activities.</p> <p style="text-align: right;"><u>201 High St. SE, Ste. 600</u> <small>(Address)</small></p> <p style="text-align: right;"><u>Salem, OR 97301</u> <small>(City, State, Zip)</small></p> <p>Check one: <input checked="" type="checkbox"/> Fee Increase <input type="checkbox"/> Fee Establishment <input type="checkbox"/> Fee Decrease Statutory Authority for fee: <u>ORS 701.056</u></p> <p>Please check all statements that apply and provide the anticipated date(s) below:</p> <p><input checked="" type="checkbox"/> Date proposed rule(s), or rule(s) change, to be filed with the Secretary of State: <u>4/1/2024</u></p> <p><input checked="" type="checkbox"/> Anticipated rule adoption date: <u>3/27/2024</u></p> <p><input checked="" type="checkbox"/> Date fee schedule becomes effective: <u>7/1/2024</u></p> <p><input type="checkbox"/> Date of proposed E-Board Action:</p>	<p>Date received:</p>
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REQUIRED - Attach Form 107BF22 and cover letter, with information on each fee affected. (See instructions on back.)

Approved: <input checked="" type="checkbox"/> Denied: <input type="checkbox"/> Date: <u>4</u> / <u>2</u> / <u>24</u>	By: <u>[Signature]</u> Director, Department of Administrative Services
<input type="checkbox"/> Reviewed by: _____	

PART 2 (State agencies: Complete following rule adoption or fee effective date.)

Administrative Rule Reference: 812-003-0142 **Date rule adopted or fee effective:** 3 / 27 / 24 *

Actual fee amount(s) adopted: \$400 (Increase of \$75 From Current Fee-\$325).

Authorized agency signature: [Signature] **Date:** 4 / 2 / 24

*Form must be returned to DAS within 10 days of the date rule is adopted or fee is effective.
 DAS Contact for questions: Kristin Keith via email at: Kristin.Keith@oregon.gov

Note: Approval good only through July 1 of the next odd-numbered year or sine die, whichever is later, unless approved in legislation by the Regular Session of the Legislative Assembly.

FEE CHANGE DETAIL REPORT

Fee Title/Description	ORS/OAR	Who Pays Fee	Increase, Establish, or Decrease	Date of Last Change	Amount of Last Change	Effective Date of Requested Change	Current Fee	Proposed Fee	Amount of Proposed Fee Change	Number of 2023-25 Transactions with New Fee	Estimated Impact on 2023-25 Revenue	Total 2023-25 Revenue	Projected 2025-27 Transactions with New Fee	Impact on 2025-27 Revenue	Total 2025-27 Revenue	Legislative Concept Number	Policy Package Number
License Renewal Fee	ORS 701.238/	Contractors re	Increase	7/1/2010	65	7/1/2024	325	400	75	19,065	1,429,875	13,705,125	36,842	2,763,150	14,736,800		
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This form and accompanying cover letter must be completed and submitted for three separate purposes:

- 1) Submitted to DAS with the Fee Approval Form (107bf21) when requesting DAS approval to change a fee administratively (Legislative Concept/Policy Package columns not relevant).
- 2) Submitted to DAS with a Legislative Concept, if that concept would increase a fee or assessment (2023-25 columns not relevant).
- 3) Submitted electronically to CFO analyst, at same time as Agency Request Budget, if budget includes a fee establishment, increase, or decrease (2023-25 columns not relevant).

A cover letter is required to provide an overview of and context for the impact of the fee change or establishment.

See instructions on following page for more information.

Note: Shaded fields are reported on the Detail of Fee, License, or Assessment Revenue Increase form in the budget binder (107bf08).

2023-25 Fiscal Status Report Summary

	Last Three Mos			Thru Feb 2024 ACTUAL to DATE	REMAINING PROJECTED	TOTAL PROJECTED BI 2023-25	Authorized BUDGET (LAB)	LAB VS. PROJECTED
	Dec-23 Actuals	Jan-24 Actuals	Feb-24 Actuals					
Beginning Cash Balance				6,193,148		6,193,148		
Revenue	559,548	788,507	817,981	5,447,849	11,536,761	16,984,611	15,764,581	(1,220,030)
Personal Services	607,724	603,719	610,874	4,801,384	10,754,317	15,555,702	15,545,185	(10,517)
Services & Supplies	95,054	101,507	104,146	1,137,979	2,273,578	3,411,558	3,566,928	155,370
Capital Outlay	-	-	-	-	-	-	-	-
Expenditures	702,778	705,226	715,020	5,939,364	13,027,896	18,967,259	19,112,113	144,854
				TRUE		TRUE	TRUE	
Revenue vs. Expenditures NOTE (1)	(143,229)	83,281	102,961	(491,514)	(1,491,134)	(1,982,649)		
Ending Cash Balance	5,515,392	5,701,633	5,701,633	5,701,633		4,210,499		

TRUE

3-Month Contingency: \$2.37M (Currently 5.33 Months)

Proctor Info

Proctor Revenue	29,460	36,480	37,020	259,740	537,814	797,554	807,550	9,996
Total Revenue To LAB	589,008	824,987	855,001	5,707,589	12,074,575	17,782,165	16,572,131	(1,210,034)
Proctor Expense Recon	29,460	36,480	37,020	259,740	537,814	797,554	807,550	9,996
Total Expenditures (w/ Proctor)	732,238	741,706	752,040	6,199,104	13,565,710	19,764,813	19,919,663	154,850

NOTE (1): Agency revenue is cyclical with declines historically beginning in July and extending through December. Also, many large annual assessments are invoiced August through October. This historically leads to negative revenue vs. expenditure during this period.

CCB Statistics At-A-Glance

Rate of Renewals

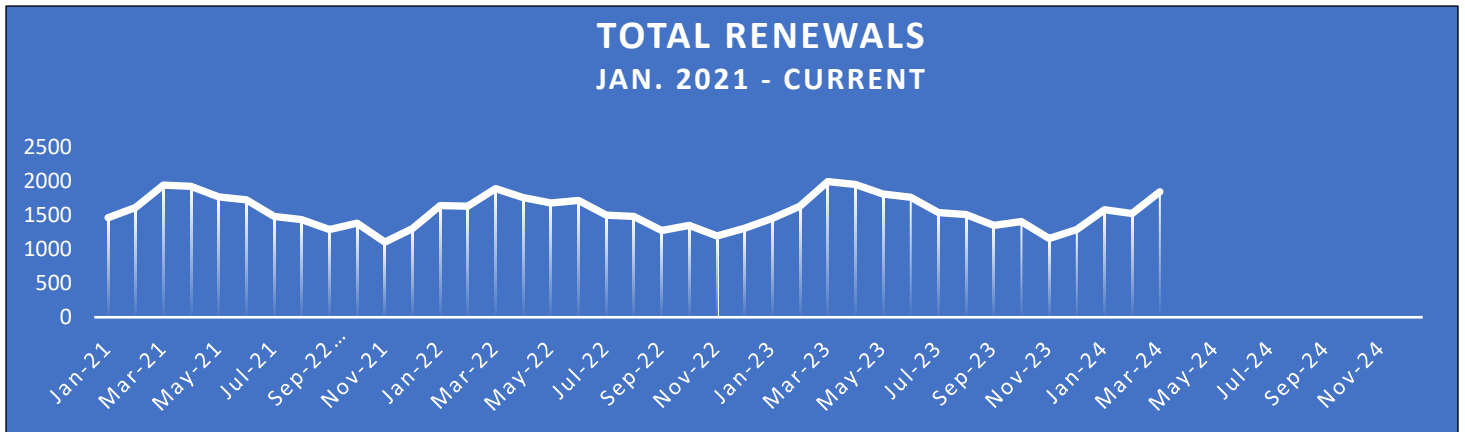
2024

Month/Yr	Expected Renewal Count	Actual Renewal Count	2024 Renewal
Jan-24	2023	1582	78.20%
Feb-24	2041	1525	74.72%
Mar-24	2429	1846	76.00%
Apr-24			#DIV/0!
May-24			#DIV/0!
Jun-24			#DIV/0!
Jul-24			#DIV/0!
Aug-24			#DIV/0!
Sep-24			#DIV/0!
Oct-24			#DIV/0!
Nov-24			#DIV/0!
Dec-24			#DIV/0!
Average from 2023			80.15%

2023

Month/Yr	23 Renewal Rate
Jan-23	81.06%
Feb-23	83.28%
Mar-23	81.73%
Apr-23	80.69%
May-23	79.23%
Jun-23	79.10%
Jul-23	81.32%
Aug-23	80.50%
Sep-23	78.66%
Oct-23	78.32%
Nov-23	78.29%
Dec-23	76.44%

*Approximate 2-month lag for final renewal rate.



*Includes totals from 2021 for comparison

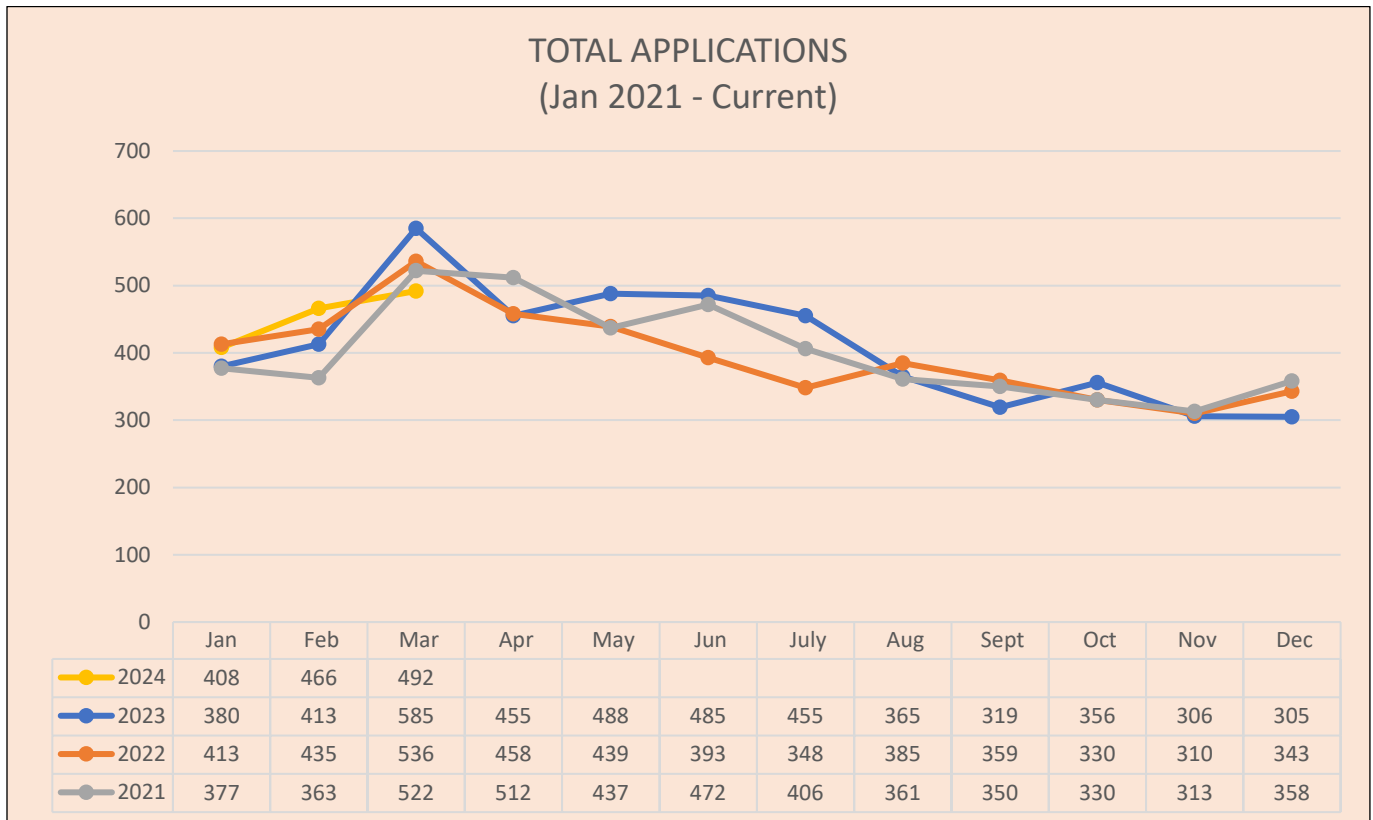
Rate of New Applications

2024

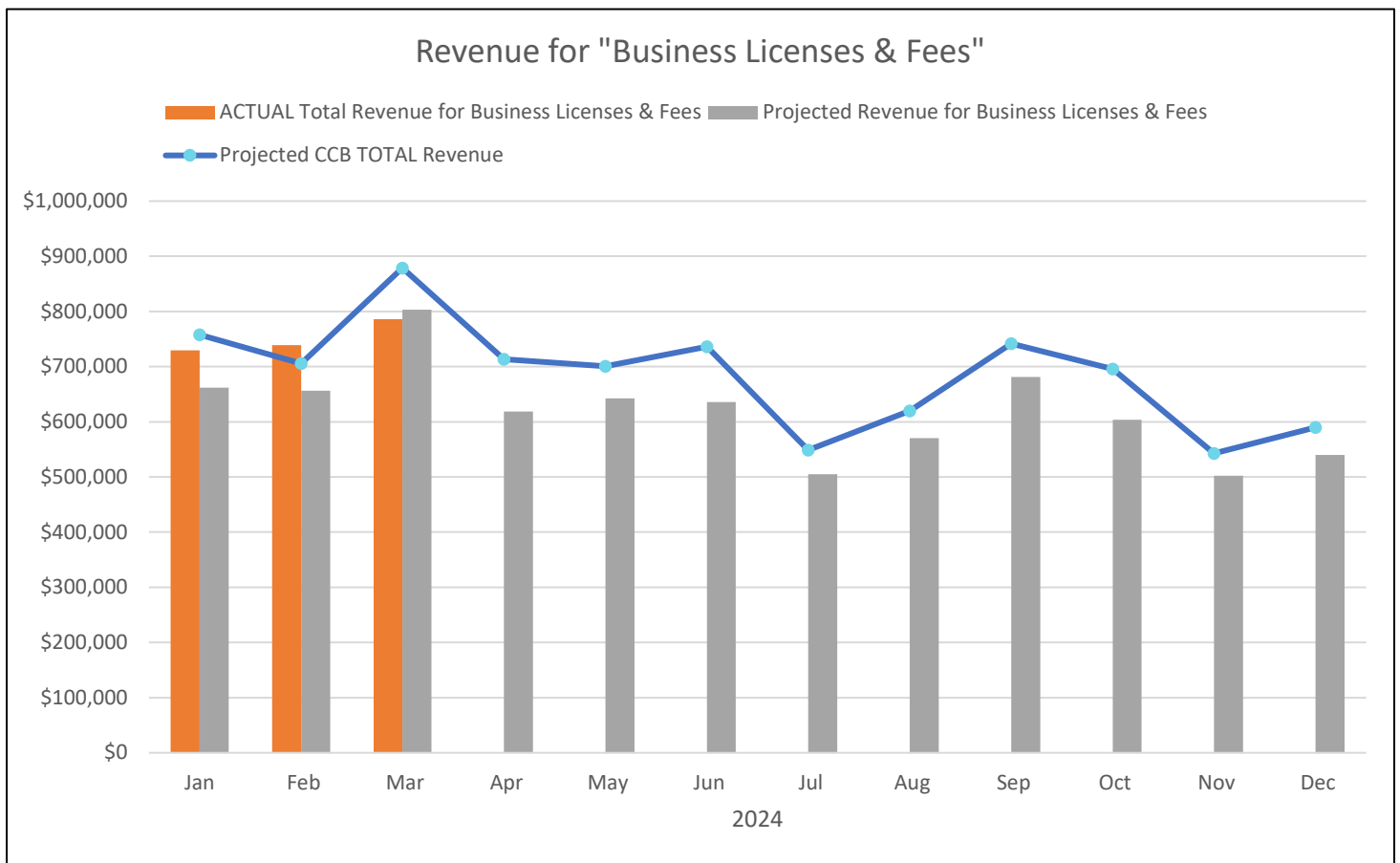
Month/Yr	New App
Jan-24	408
Feb-24	466
Mar-24	492
Apr-24	
May-24	
Jun-24	
Jul-24	
Aug-24	
Sep-24	
Oct-24	
Nov-24	
Dec-24	

2023

Month/Yr	New App Count
Jan-23	380
Feb-23	413
Mar-23	585
Apr-23	455
May-23	488
Jun-23	485
Jul-23	455
Aug-23	365
Sep-23	319
Oct-23	356
Nov-23	306
Dec-23	305



Revenue Stream of New Apps & Renewals Per Month in 2024



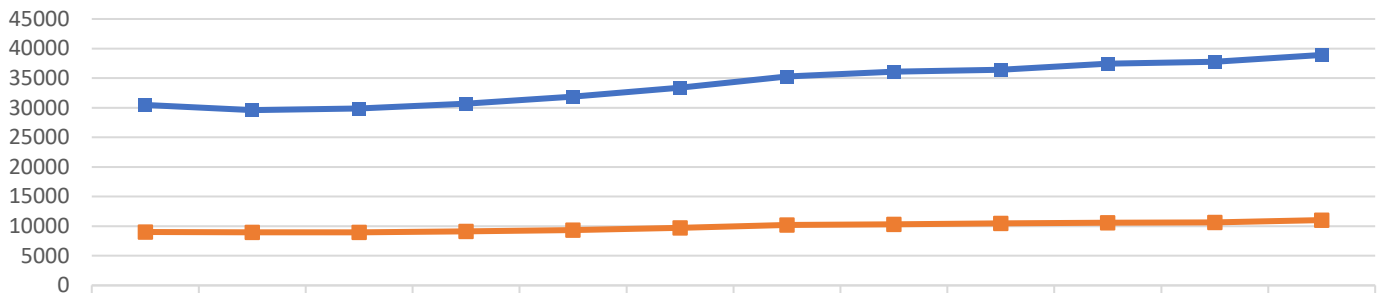
**These totals are pulled roughly 1.5 months behind schedule due to late renewals. Due to these factors, the totals are not definitive but are the most accurate at the time this report was created.*

Residential and Commercial Statistics, All Endorsements

ALL ENDORSEMENTS		
	Total Residential Active + Inactive	Total Commercial Active + Inactive
	2024	
Jan	38916	11019
Feb	38780	10950
Mar	38331	10919
Apr	0	0
May	0	0
Jun	0	0
Jul	0	0
Aug	0	0
Sept	0	0
Oct	0	0
Nov	0	0
Dec	0	0

Residential v Commercial Endorsement
10+ Year Review

■ Residential ■ Commercial



	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Residential	30470	29606	29883	30687	31890	33395	35291	36099	36419	37431	37780	38923
Commercial	9013	8976	8963	9103	9359	9733	10198	10325	10495	10611	10629	11031

PROGRAM WORKLOAD

Enforcement

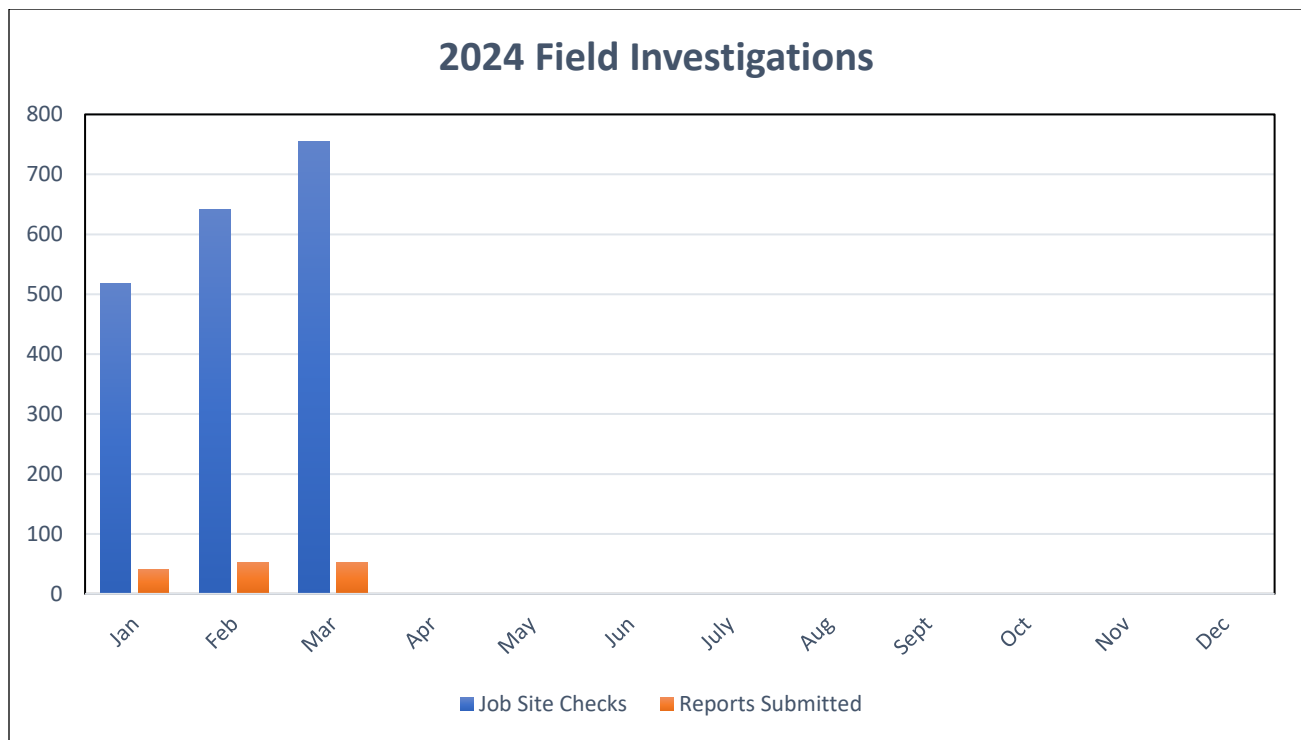
Investigation and Dispute Resolution Files Opened

Job Site Checks Performed

Jan-24	518
Feb-24	641
Mar-24	755
Apr-24	
May-24	
Jun-24	
Jul-24	
Aug-24	
Sep-24	
Oct-24	
Nov-24	
Dec-24	

Field Investigation Reports Submitted

Jan-24	41
Feb-24	53
Mar-24	53
Apr-24	
May-24	
Jun-24	
Jul-24	
Aug-24	
Sep-24	
Oct-24	
Nov-24	
Dec-24	



**There is no set target for field investigations. This area of work is highly driven by the market conditions. Monthly/Yearly stats are used to track this sections productivity and ensure adequate coverage in higher volume areas.*

Average Days to Close Compliance and Dispute Resolution Files

Compliance (Target Days to Close is 40)

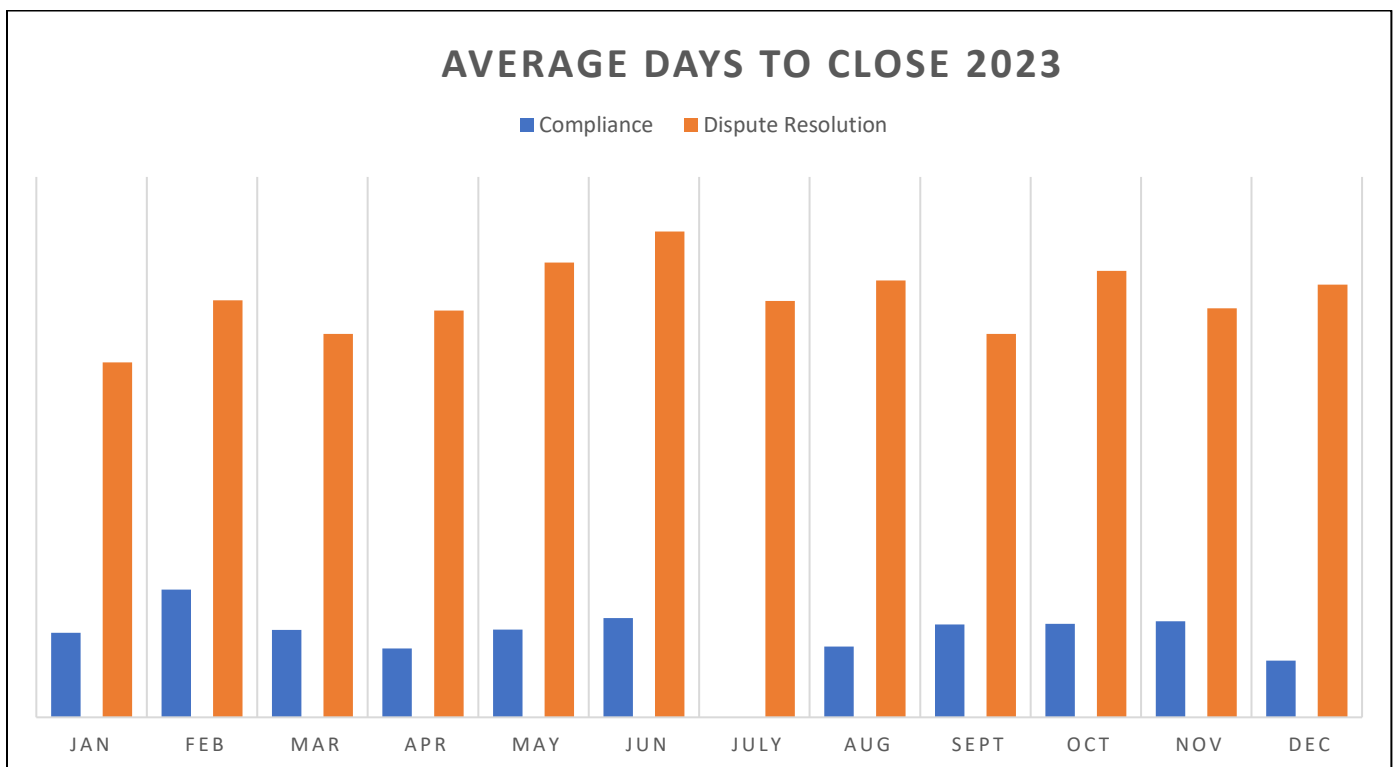
2023 Average	29.76416667
Jan-24	18.22
Feb-24	
Mar-24	
Apr-24	
May-24	
Jun-24	
Jul-24	
Aug-24	
Sep-24	
Oct-24	
Nov-24	
Dec-24	
2024 Average	1.518333333

*Approximately 2-3 month lag for final closure dates.

Dispute Resolution (Target Days to Close is 155)

2023 Average	155.065
Jan-24	182.67
Feb-24	163.48
Mar-24	
Apr-24	
May-24	
Jun-24	
Jul-24	
Aug-24	
Sep-24	
Oct-24	
Nov-24	
Dec-24	
2024 Average	28.84583333

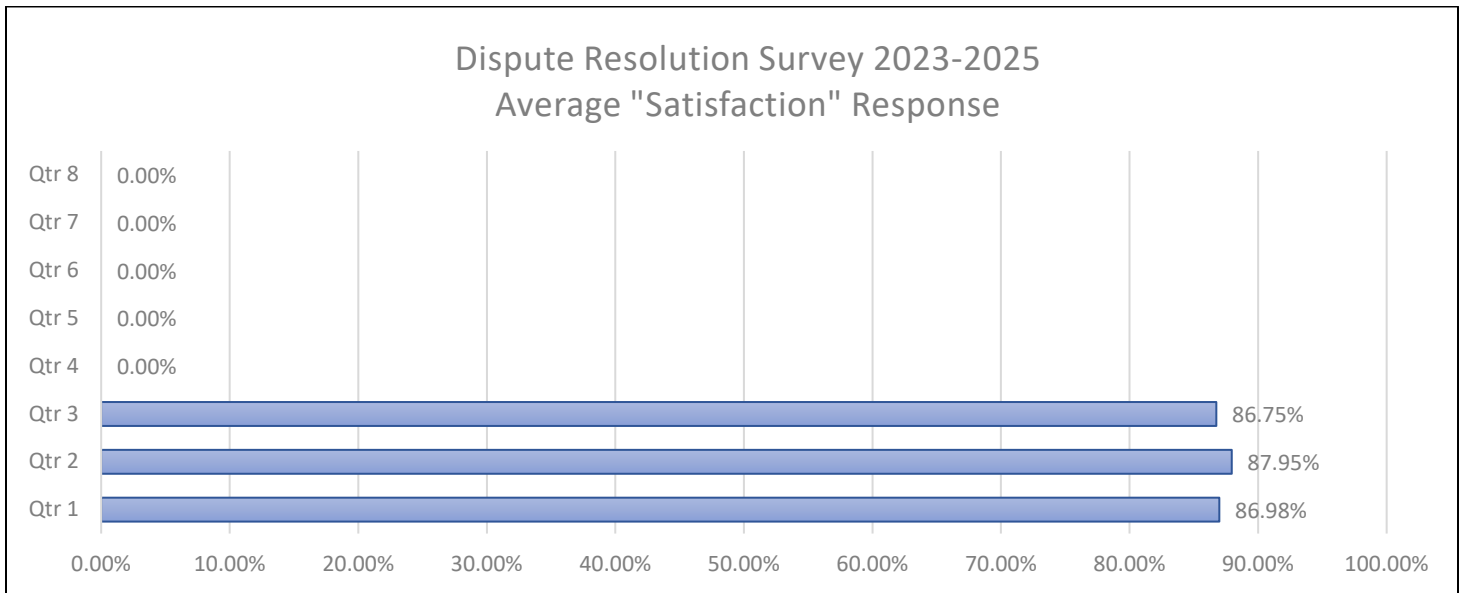
*Approximately 2-3 month lag for final closure dates.



KPM #4: In FY 2022 (7/1/21-6/30/22), the average days to close an enforcement investigation was 41 days. The target goal is 40 days.

KPM #5: In FY 2022 (7/1/21-6/30/22), the average days to close a disputes claim was 153 days. The target goal is 155 days.

DRS Survey Results



**percent shows the average response of positive feedback given to the agency from contractors and the public that interacted with DRS.*

DRS Survey, Qtr. 3 Comments
It cost use \$ 660 just to have our attorney present. He was allowed to pretend he didn't understand the process though it was very clear.
Overall done well and quickly. thank you.
In my opinion, I thought the process was more one-sided. I did not appreciate having to pay an extra \$50 and the contractor paid nothing. I believe that it should be split because whether I believe he is at fault or not, I had the entire burden, including the payment of the mediation, I also think that the contract is one-sided because it benefits the contractor. I asked for some changes in the way the contract was written, and the mediator said that it was a standard contract and no changes could be made. Not all cases are the same, and I think that there should be flexibility to cater to each case. I did feel a little pressured because I didn't think that all of the terms should apply to me and they could have been modified, but in the end, I did take it because the mediator assured me that it would be easy, even if the contractor defaulted, to obtain the bond once I got a judgment . I hope he's correct and I wasn't misled. I'm not even sure if that's what's going to happen. Also, I don't think that it's correct that the mediator works for the contractors board. This makes it seem as if he is really trying to get a resolution to help the contractors board . It would be better to have an independent mediator who really has no interest in the advantages for the Contractor's board or the complainant prevails.
I would like to see the amount of the bonds actually higher. As homeowners, our hands are tied if the construction company has a small bond. For example, our roofing contractor damaged our home and we are out over \$30,000. The construction company only has a \$20,000 bond that we would be entitled to. Plus, we have to pay our own attorneys fees. Something does not seem fair about this.
Require contractors to give customers a job completion notice that tells them that they have only one year from the date of the job completion notice to file a CCB complaint.
I don't currently have any recommendations. This was a very straightforward process.
I think you need more staffers to be able to handle to load in a more timely fashion.

the process is fine but the substance of your authority is worthless
Something has to change with the board to reinforce the contractors work. If these unscrupulous contractors can get away with not fixing the errors of their jobs, something is very wrong. The Bond needs to be increased to \$50,000. Materials are charged by the contractors at a higher price. I am totally dissatisfied with the ending of the mediation. The contractor's word was valued over mine.
In my case the homeowner used the CCB as leverage to achieve power/money. There case was not strong enough to win in court, but because of the difficulty to work with them and the cost of attorneys it was faster and easier to settle. There should be a way to prove lack or neglect of communication with contractor before they can file. I also feel if we meet and agree that the complaint should fall off of the contractor's record. It feels lopsided between the homeowner/contractor.
Waiting for paperwork but everything else was good.
It was our first time going thru this process. We were at a stalemate with our Builder and thus reached out to the CCB which guided us thru the process. Kudos to Lewis, Mediator, for helping us resolve things with our Builder.
Don't tell someone they have to do xy&z to get money from contractor's bond... do xy&z now I'm told to get an attorney...
Nothing
I have found more contractors than not, to be, working or in the country illegally, they are liars, cheats and crooks. More needs to be done to punish and hold these people accountable.
This was my first time having to deal with an issue like this before. I don't have anything to compare it to. All good things to say!!
I was turned in for a roof leak and I never touched the client's roof. I was told I could lose my license if I was to get judgement against me. So I had to be guilty for something you didn't do.
No improvement needed in my opinion. Thank you
We took a considerable amount of time to write out our complaint but got no solution. I have to spend more money to try to get the money lost back. I do not feel supported by The CCB
All seems fair
No, all is good.
Your entity merely keeps honest contractors honest. It does nothing to intercede with unethical business practices as purported in your mission statement
I do not feel that the CCB rep was truly neutral in his decision even though he was polite and pleasant. He bought into the contractor's excuse to not refund money due to family financial concerns. What does that have to do with a contract and an agreement? The contractor had admitted that the roof was "poorly done" and that he would refund my money if I would take on the responsibility of finding and paying someone else to correct the work, which I did. I do not feel the decision was impartial or based on fairness or law, or even compromise as the CCB seems to lean heavily for the contractor. Anyone can read a manual and pass a test, but not everyone can do the job, and choosing a licensed contractor has proven to be of no benefit or protection to me, the homeowner.
Time
Our public officials showing better professionalism
See above!
Take action steps so there are actual consequences that affect contractors who act unethically. As a professional who has a board regulating licensure with consequences for those who act below the professional standards, I don't see any real accountability.
At least pretend that you are not there to work for the contractors. Give a slight semblance of neutrality.
Expand / clarify info on your website.

My processing fee got lost somewhere in the process and am told that I still need to pay. I forwarded my receipt to the CCB and still awaiting a response.
The process went pretty well for my case.
Restricting complainants from registering their experience on public media business review sites is protecting a company who behaved badly and hiding facts from the public who should have them to make informed decisions about who to do business with.
A more streamlined approach would be nice.
The mediation did not come to a conclusion which was disappointing.
Communication.
This whole thing was a farce. The contractor got away with taking my money and not doing the work. I can't afford an attorney and he took all my money and did very little work
My mediator was very pleasant, professional and dealt with facts, not his opinions whatever they might be. He shared some history with me, such as the license was expired, the business was closed, and there were already fines in arrears. This helped me make my own decision about going forward. Thank you.
Communication around mediation scheduling was sub par Garrett the mediator did a fantastic job
Mediator was in a time frame/restriction and I felt pressured to agree to defendant's offer.
Expediting the mediation date when possible.
Narrow down all time frames best as possible. You might have done so but it faint seem so from our perspective . We feel you should be so much more punitive than you are when it comes to licensees who show such unethical patterns as ours. Although we didn't care to learn it, we appreciate the transparency regarding the 8-9 victims before us
Do some type of pre-screening. Our investigator was suprised that we had not done a punch list with the customer and a final building on the permit was not done. Maybe a little insight or questionnaire to both partys would be something to look into
I think the process was excellent and our mediator was fantastic and super helpful.
The mediator needs to have a clear knowledge of contract law and understand that we are innocent unless proven guilty. Conjecture is not grounds for guilt.
I don't think it can because the bias is baked into the system
There doesn't seem to be adequate penalties for a licensed contractor who has several complaints and doesn't show up to the mediation process so therefore it doesn't actually protect consumers because he's still out there with his license not doing the job and there's no consequences. If you can't get a hold of a contractor for mediation, then they should not be licensed because they don't have to adhere to any due process
None
Every thing was great
You did a fine job and I cannot find anything to suggest.
You guys do a great job and try to help out as much as you can I don't know what would need improvement from the top of my head.
I think warning people about that part that they will just be assigned a day and time would be helpful. Also, let people know that it will not be up to them if it is in person or over the phone. Thanks for having this as an option for resolution.
negotiate with bondholder to avoid the small claims process
Please respond to questions and offer some standards to filter out meritless claims and complaints.

<p>Remaining neutral would be the most effective. But the ccb always sides with the customers even when they are scamming the contractor. Maybe you should hire a third party to actually mediate instead of strong arming contractors into a settlement.</p>
<p>The staff who answer the phone be nice and patient...nice pays off...</p>
<p>Nothing I can think of as the comms at all stages were clear and helpful.</p>
<p>You can improve by making the complainants show cause for filing a complaint, if the complaint cannot be substantiated for good cause then it shouldn't be added to a contractors record. If there has been no proof of a contractors negligence or wrong doing then it should be left off the contractors record. This is wrong to allow this. This allows customers to make complaints when they decide they just don't want to pay their balance due at the completion of work knowing that they're complaint will effect a contractors business and reputation simply by just filing a complaint. Customers decide they no longer want the work done or they find someone cheaper or someone that is unlicensed that will do the job for a third of the price so they decide they want out of a legal binding contract and when you don't allow them out of it they complain to the CCB, what good is a contract at that point when you are forced to let them out? and just because they complain the contractor gets a negative mark on their record. Why are contractors paying the CCB? They don't provide us a service. Yet they think they deserve a raise. I don't see the CCB going after all of these unlicensed contractors they're only concern is screwing over the people who keep their self serving bureaucracy in business. I am completely frustrated and feel failed by the CCB.</p>
<p>Everything went as smoothly as possible. The mediator was very polite and patient.</p>
<p>No option</p>
<p>Try caring. The mediator didn't bother to read any of the contract, any of the complaint. His only concern was a quick resolution and signed contract. DaBella broke the original contract, didn't get a permit to do the roof work as they should have and you don't even care. As long as you can help screw the little people... whatever.</p>
<p>take reviews also not just complaints</p>
<p>I don't actually know of how you'd be able to improve any.</p>
<p>Please explain that we can have representation and insurance company a lawyer during mediation. I did not realize that was an option until a friend told me later.</p>
<p>It was unclear to me how narrow the focus of the mediation would be. I was prepared to defend my position; the mediator was focused on binary question, court or compromise. I wasted a lot of time preparing for the mediation session because this was unclear.</p>
<p>I don't know</p>
<p>I don't know how it could improve. It was very smooth.</p>

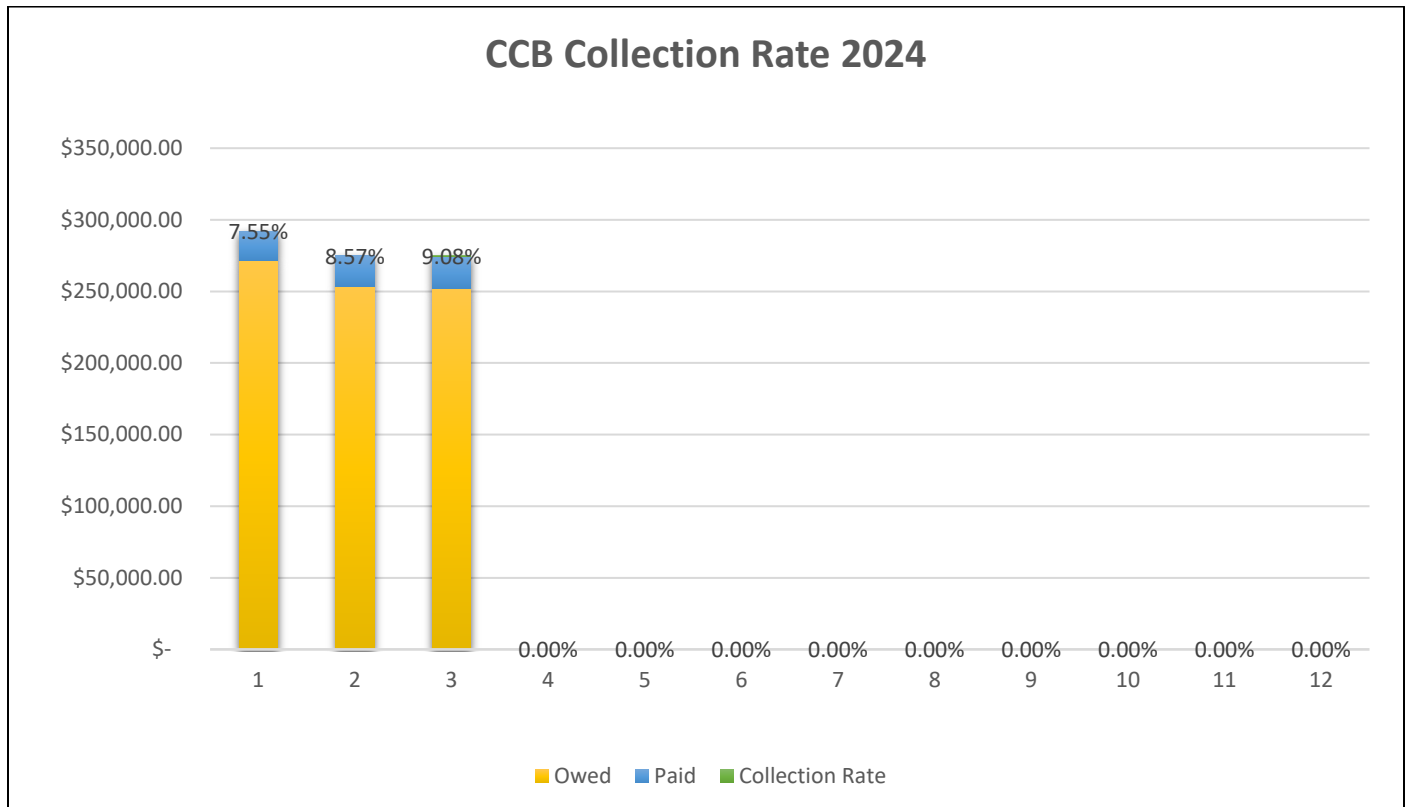
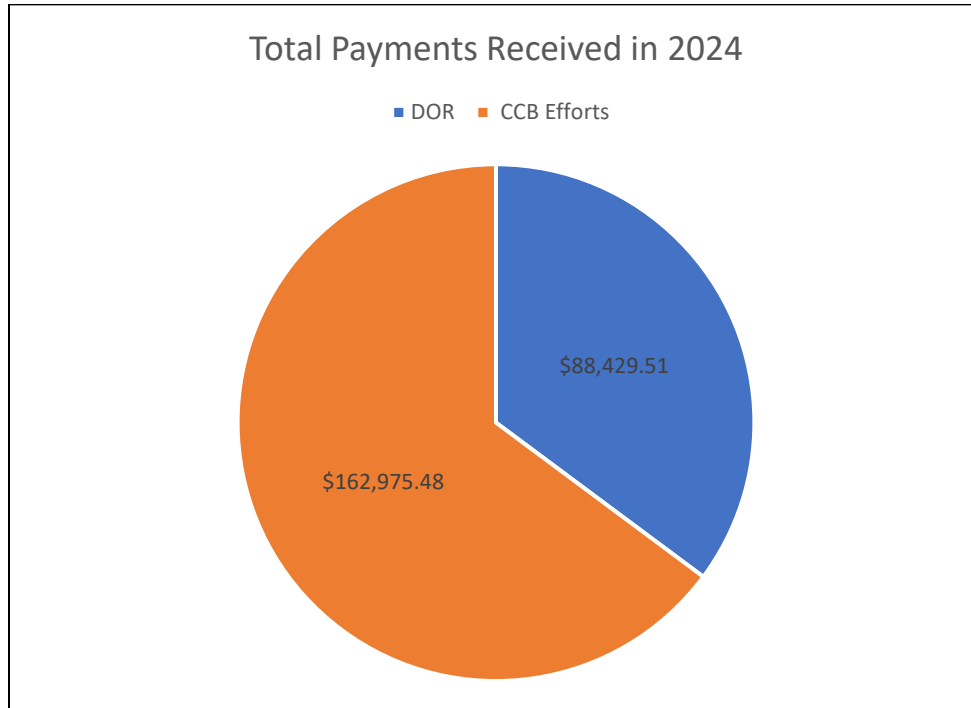
#1: If the complainant is a single female, don't send 2 male mediators. I felt absolutely intimidated being alone with 3 men in my house. One of my concerns with the contractor is that one of my housekeys went missing and while he denied having it, somehow, he managed to lock all of my deadbolts and exit my house without a key. When I asked, his response was 'oh, as a contractor, I know many ways to get in and out.' CREEPY!! So, I already don't feel safe in my home with that guy and now there's 2 more men and me and an uncomfortable conversation to be had. The extra creepy part was how meek, mild, innocent, soft spoken the contractor portrayed himself to be while I have proof of how opposite he was with me. Such as driving to my house to deliver a copy of an email he received from the CCB instead of simply forwarding that same email to me. He has called, then texted a few hours later 'why don't you answer?' then shows up to knock on my door a few hours after that. That is all highly unacceptable and super creepy wouldn't you agree? #2: Give the complainant the choice of location to hold the meeting. Given the above example, I would have preferred meeting elsewhere. #2: Having the meeting onsite led me to believe a walkthrough of the jobsite to show what was wrong was going to happen. That didn't happen. How this meeting was conducted should have been done in a meeting room in a library. I would have felt less intimidated, safer, had clearer thoughts within that feeling of safety, referred to my notes and have demanded money from that \$20,000 bond so I could hire professionals to fix his mistakes. Or, at the least, withheld payment until all things were fixed and forward the balance to him. At any rate, there was no contract so I didn't really have an obligation to pay him anything but that panicked feeling inside of not feeling safe lent to me making a choice I hadn't planned to. #3: If opening statements are the way to go, I, the complainant should have been given an opportunity for rebuttal to the respondent's opening - in which he bold-faced lied while commenting on my statement. I should have been given the opportunity to call him on that lie with the photographic evidence that I had. Isn't that what mediation is? A negotiation to come to a resolution? #4: I honestly want a redo of the mediation. There was no point when the contractor was asked what he would do to remediate this situation.

With the complaint party

The mediator made us feel very comfortable. I did not agree with the respondents accusations but the solution was ok.

I waited for 2 months for my mediation appointment only to learn that Respondent wasn't going to use the process. He just wanted to talk my head off about why he was right. I had to eventually give up when I realized I wasn't going to be heard. The mediator could have helped him understand the process so I would not have had to waste hours preparing for nothing.

Collections



**Total Owed v Total Paid is a bit skewed due to the action code PEND08. This is when a licensee pays their penalty before a Final Order is issued. Therefore, the total owed is never entered into Hydra but the payment received is.*

KPM #3: In FY 2022 (7/1/21-6/30/22), the average percent of contractors that failed to pay CCB Final Order was 28%. The target goal is 50%.

Education

CCB CONTRACTOR CLASSES

2024					
Class Type	Stakeholder(s)	Where?	Date	Attendees	Qtr Total Attendees
CCB Contractor Class	CCB	Virtual	1/10/24	100	589
		Virtual	1/30/24	89	
		Live - Bend	1/30/24	20	
		Virtual	2/14/24	58	
		Virtual	2/20/24	66	
		Virtual	3/12/24	125	
		Live	3/19/24	26	
		Virtual	3/20/24	81	
Virtual	3/26/24	24			
Qtr - 1 Total					

Various Speakers

Department of Environmental Quality (DEQ)
 Oregon Occupational Safety and Health
 Administration (OSHA)

Division of Financial Regulations, DCBS (DFR)
 Workers Compensation Division
 811

CONSUMER CLASSES

2024					
Class Type	Stakeholder(s)	Where?	Date	Total Attendees	Qtr Total Attendees
Mid-Oregon Safety Summit	CCB, OSHA, Other	Live - Bend	1/30/24	100	516
Homeowner Class	CCB, DCBS	Virtual	2/12/24	6	
Portland Home Show	CCB, DCBS	Live	2/22-2/25	300	
Marion County Business Fair	CCB	Live	2/27/24	20	
Marion County Business Fair	CCB	Live	2/29/24	40	
ScamJam	CCB	Live	3/26/24	50	
Qtr-1 Total					

Stakeholders

Oregon Home Builders Association
 LatinoBuilt
 Oregon Office of Attorney General
 AARP

Mid-Valley Association of Realtors
 City of Medford
 Jackson County Community
 Lane County

Wallowa Town Hall

City of Portland

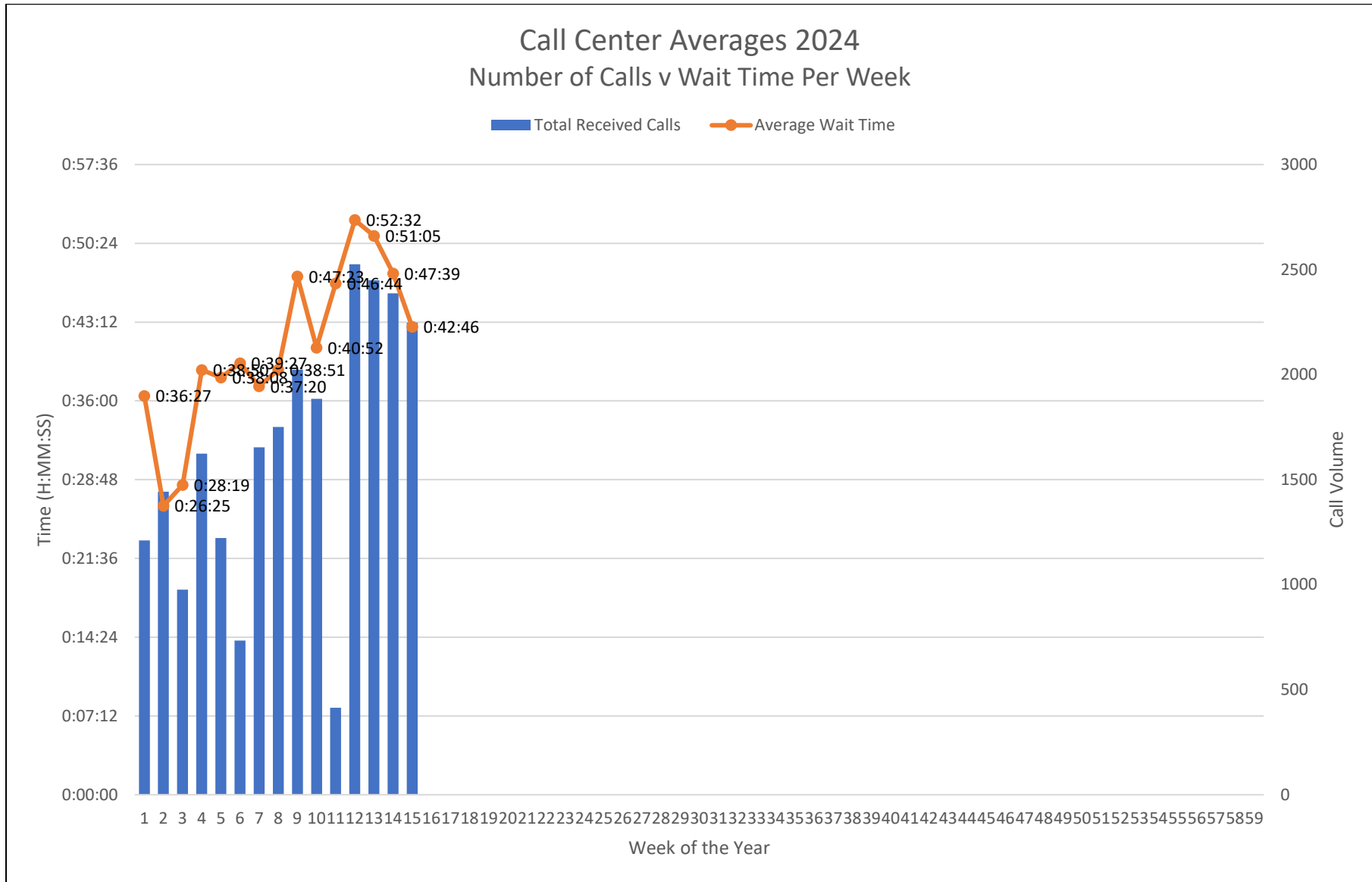
OEM

Lincoln City Senior Show

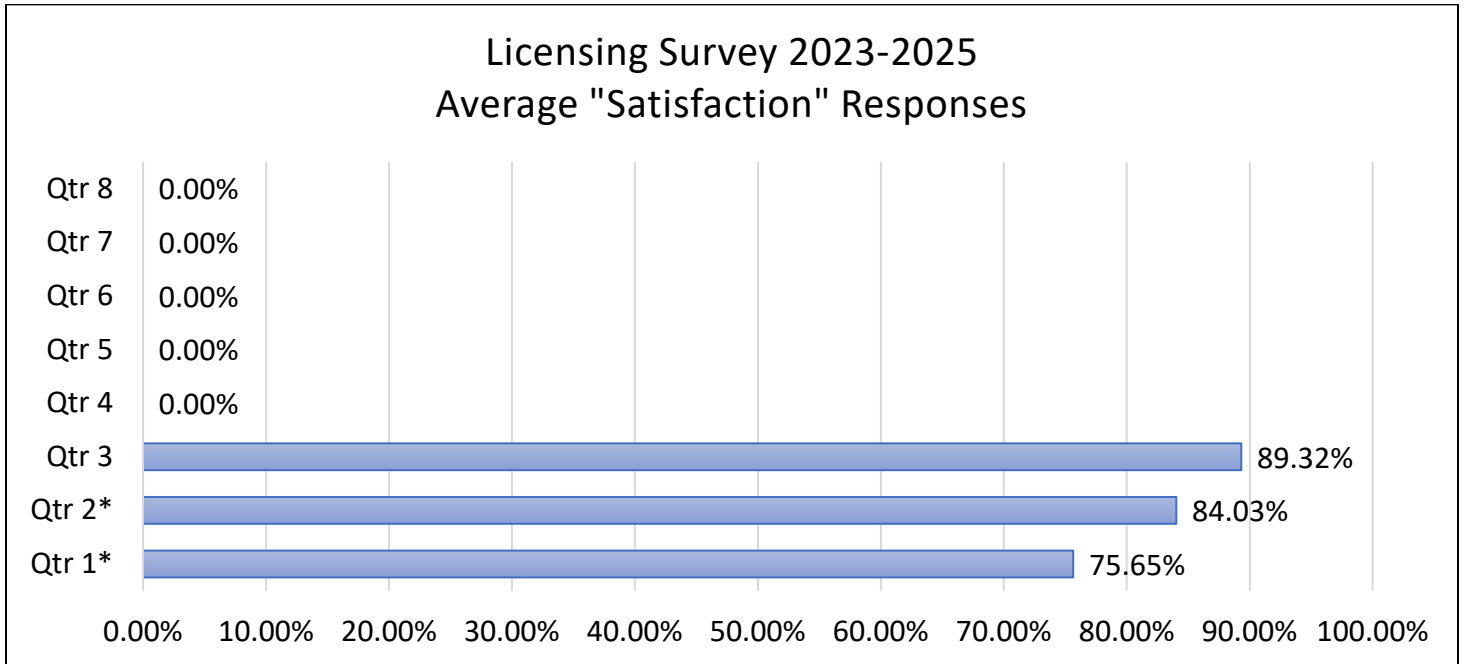
Eugene Home Show

Oregon Association of Realtors

Call Center



*The average Wait Time to Answer can vary depending on staff coverage.



KPM #7: In FY 2023 (7/1/23-6/30/24), the average number of surveys “satisfied” with the processing of their license. The target goal is 96%.

Qtr. 3, Comments
CCB staff were extremely helpful and courteous when our staff reached out to confirm submission of CE and renewal app information.
The CCB offices are understaffed, which causes delays in issuing licenses. That said, the staff were exceptional in customer service, knowledge, and I was impressed with their attitude.
Darla was very efficient and professional!
Very happy with the email service. My emails are replied to within 24-36 hours.
The CCB were really great to work with! Everyone was very helpful and informative.
I had to call in for additional help and the support I received was very appreciated. Thank you!
Great experience with the CCB
Continuing education is a waste. The way you set it up encourages one to look for the shortest, fastest, easiest course that may or may not have anything to do with the contractor’s specialties. Also the ccb specific courses are terrible and you should be ashamed to have put out such garbage. Did you really get those done and say “this is good work we’ve done here?” It’s embarrassing.
Thank you guys
Compared to other states, CCB was easy and quick in terms of license turnaround time. When making a few phone calls to the Board, calls were always helpful and I hung up feeling things were in good hands.
I spoke with Kevin and he was very helpful and professional!
I’m not great on the internet, but I navigated it easily with your portal.
Process was extremely easy and the people working here are prompt and helpful!
the additional 5 hr classes absolute waste of money and time .50 right down the toilet thanks for helping to waste my hard earned money.
more focused continuing education material would be helpful

I had to email for another question and it took over 3 months to get a reply to my question. It was not an emergency, but it should never have taken that long.
There should be an option to print licenses online. Also, should have a proof of license form to print in case it is needed due to licenses needing to be mailed. It puts many things on hold.
Everything was very clear, and completion is fast.
I've been licensed with the ccb since 1989 I really like this online system !! Thanks
Was helped by Dana Zeimantz and I can't say enough Good things about her. She made a tough situation much much easier!
Very happy with Brandy and the assistance she provided.
Just a HUGE tank you to the always courteous staff at the Oregon CCB :) Kind Regards
Brenna handled my phone call and was extremely helpful, courteous, patient, knowledgeable and friendly! She made the whole process downright pleasant! Thank you!
Thank you for making this easy and possible for me.
I called several time and was in hold for long time and no body answered the phone
Whomeve the genlman was that helped me was very knowledgeable and helpfull.very good at his job.
New website works well
The ccb staff is a great resource. I call with any questions or help I need and the staff is quick and responsive. Thank you
At the moment everything is fine
Jason Parsons was extremely efficient and professional. Some of the best service I have ever had!
Your office sends out lettters advising that the license has been cancelled despite having put thru the cc charge (meaning they rec'd the renewal) a week previous. I would look at those letters - they are confusing to receive.
If your processing department is running behind at approving applications, you should note that on renewal notices, which in turn will avoid a scare of an expired license notice, that is incorrect, just not processed.
I renewed 5 days before expiration but still got suspended for a week. BS
Adam was extremely helpful and responsive.
Pretty easy process really. Just set it and forget it with you guys
The ccb staff was honestly, over whelmingly help !!
the amount of time for processing is definitely excessive
The hold time to ask questions were were too long, but once answered the person I talked to was very knowledgable and looked at my paperwork and found that I had not included the correct COI documentation. She prevented me from having a delay in my approval process. Very grateful!
The process of getting my license once I passed the test took way too long. It took right at 4 weeks and that is not acceptable. Also the wait times on the phone are way too long. I understand that you are having staffing issues but you really need to fix these 2 things. Everybody I finally spoke to was very nice and knowledgeable. Special shout out to
Please don't raise the licensing fees
Are you going to update the videos that we have re-taken the last 15 years?
Excellent website and very easy. Thank you, CCB.
Got notice that license was expired 5 days after we paid it. And notice that it was approved 10 days later
This is regarding the new bond riders for residential and commercial. We submitted the rider several times via on-line, email, mail, and certified mail. Our license was actually suspended for about 3 hours yesterday and then staff finally got the corrections made and put us back into active status. The main page showed us as having the residential bond on file but not the commercial bond, and therefore we were suspended. However, if you clicked on the bond history tab it showed that we did in fact have BOTH bonds on file. How can this even happen??? I am very disappointed over this issue. It has cost me and my bonding agent an enormous amount of wasted time due to your staff's incompetence.
6 weeks was a very long time for this. But I made a mistake and it was another 6 weeks. Seems like a long time other than that everything was good.

I did not realize or see anywhere in the CCB sources that it can take the CCB almost 2 weeks to process an application for renewal. Since this was my first time renewing I was unaware that by submitting 2 days ahead of the deadline I would still be classified as expired for almost 2 weeks after the fact. Once I got ahold of someone on the phone it took him less than 3 minutes to process my application. Im sure the response of "its bc folks have been out sick" will work for us as a contractor when we fall behind or are missing required paperwork for the CCB.

No

There are many bureaucratic entities that all of have to deal with, but I must say that the OREGON CCB has always been very easy to deal with and we are lucky as Oregon Contractors to have this entity among us.

GOOD SERVICES

Continueing education was a hassle. I understand ppl cheat, but the benifit of the doubt should prevail. Not every trade show eduction, etc gives continueing education certs, etc.

Mailing in an application or dropping it off in person seems a bit outdated. It would be nice to have an online portal instead.

Both ladies were incredibly professional, kind, & helpful. It was so refreshing to deal with great people.

na

You all won't respond to emails

Kerri at the Salem office went above and beyond what I could have expected. Very knowledgeable with the process incredibly patient and unsurpassed in her customer service skills. I owe her a lunch I don't know experience

Yes, please allow people more online resources. Hire some more people to answer phones, typically it was a 1-2 hour wait to get anyone on the phone. Tell us where to email, or call. It's incredibly difficult to get ahold of you guys.

I have multiple contractors licenses and have to login as a different officer for each one which is an inconvenience. Need to set up a system where one person can access all their licenses.

My license was not a renewal

The staff was fantastic! Props to Karen she is awesome!

Thank you, job well done!

32 hr continuing education is a waste of time and money.

no

Adam was fantastic when I called for questions. Extremely helpful in explaining the process, where I was in it, and the next steps. One thing that could be improved is the interim communication, as I would not have known anything unless I called. If there was some automated way to inform applicants when the application was received, a summary of the general process the app goes through, then an email as it progresses through the steps, it might help reduce phone calls :)

The more technology you add the harder it becomes it's already incredibly difficult with everything you have to remember and take care of and make sure that you responsible for and I've done it with and without computers and it is much easier without computers they're good for some things but definitely not everything the more you complicate something the harder it becomes you cannot remember everything and then have to remember your job I have to remember how to run computers just doesn't work that way and really nobody can do it that's why we have a generation of kids that work on computers and don't know how to work cuz you can't do both

You really are as good as my review would suggest. Thanks!

il tried to renew on line. The problem is that there several sites that say CCB but are r3lated training. I think that when somebody types in your address as stated in your letters or on line it should go to that address. Your adress seven down the top of the page, ress

I thought I renewed online but apparently it did not complete the process. I tried calling on the phone but was on hold 2hr 25 min. before I gave up. We drove to the Salem office in person to have them correct the issue.

After all of the garbage that I have been through to obtain a CCB license, I find out that all of my competitors in the area don't have CCB licenses. When I contacted the CCB to ensure enforcement, I was told that they have no way to enforce it. Will not be renewing my CCB license ever again. It is clear that this entire organization is a sham.

Phone wait time is to long
It is very frustrating to me that anytime that I have had to call the CCB that I have had to wait for over one hour. Hopefully that will get fixed in the future
The length of time to get a live person on the phone
I am very pleased with all my dealings with all the people at CCB. Very helpful and very informative. Knowledgeable as a contractor in Oregon I am very blessed by all your staff. You have a great team. Thanks again Kendall R Beard
My representative was very helpful to assure that we updated the new DBA reference accurately.
I had a question about the CEUs, the lady that I talked to was fantastic! Super friendly and for the first time ever, I truly understand the requirement.
The required additional training showed that I had completed the required 3 hours, but it was not current. It would have been helpful if it displayed the correct amount that I still required
Service was excellent!
Did not answer emails.
Phone waiting times are excessive
Would be better to renew LBPR on contractors ccb portal
I find the staff at the CCB to be the very best government agency I work with. My only complaint is the 90 minute wait time for phone calls. I realize that's a problem with not enough staff people. After being number 38 in line and waiting on hold I'm actually quite impressed that the person taking my call was polite and friendly and helpful. The staff seems to be overworked, but they don't show it.
The website is a bit awkward to use for the 3 Continuing Education credits. The website said to allow 3-5 days for processing but it took longer than that you get approval. So I called in after 5 days wondering what was wrong and I was caller 42 which took 2 hours to get an rep. Sometimes the Call Back option does not come up to "Press 1" on the CCB answering service.
For some reason we can renew the license online but not the LBP, We were actually sent a cancellation letter after we faxed the renewal, it was sent back because two signatures were required, we faxed it back 3 weeks is left for renewal at this point. They lost our application and sent a cancellation notice. If you could renew it online it would have been done as soon as it came up for renewal., I sat on the phone for an hour and a half, finally it said there was 1 caller ahead of me, then I was transferred to answering machine that said sorry we are now closed. at 4:53
Always easy to work with the CCB. Haven't had a reason to complain
The timeline to receive approval is absolutely out of line and is inexcusable. You could build a house in the timeline the ccb takes. Since our governor likes to give our tax dollars to the non-earners, I think it's time she funds the ccb appropriately. Then applicants do not lose one third of a year to the application process.
Awesome
I appreciated an email the same day that my CCB license was renewed.
Thank you very streamlined and informative with new information.

CONSTRUCTION CONTRACTORS BOARD

201 High Street SE, Suite 600
PO Box 14140
Salem, OR 97309-5052
503-378-4621



Memorandum

To: Construction Contractors Board
From: Dana Zeimantz, Licensing Manager
Date: April 24, 2024
Subject: Licensing Report

Project Update.

- Licensing is still wrapping up the HB 2922 Bond Increase project. Since January 2024, the section has processed 1300 bond cancellations mostly due to non-payment of premiums and 1900 bond reinstatements.
- Licensing is moving to the final stage of the electronic license application project. Staff have developed procedures for background screening and application processing and will train the remainder of the work groups in the next week. Staff have reported less errors in applications submitted and a higher percentage of applications can be issued at the time licensing staff first touch the application (from 30% to 60%). These results will continue to be monitored as the link for electronic application is available to the public.

Current Quarter Update:

- The compliance/pre-license arm of the Licensing section has completed 2 of 4 hearing requests for license refusal.
- Licensing staff are experiencing an increase in walk-in customers, call center inquiries and online renewals. Since January 1, 2024, Licensing has created 1550 new license records and renewed 5300 licenses.
- Licensing enabled the ability to report reasons for each call handled. This is a required action for all call center staff. The most recent results show the top 3 reasons for calls are informational, renewals and new applications. Transferring calls to another agency section, consumer help and portal/tech support were reported in substantially lower numbers.

CONSTRUCTION CONTRACTORS BOARD

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Memorandum

To: Construction Contractors Board
From: Noel Magee, IT Manager
Date: 24 April 2024
Subject: Information Technology Report

Ongoing Activities

The Licensing System Replacement work continues. Documenting current business processes so they can be more easily configured in whichever new software is eventually chosen is a heavy lift. This activity will pay back with more time and effort savings as the project moves forward. We are beginning actual software development to implement the retention specifications during this period although it will take some months to complete.

Mobile Device Management (MDM) is completely implemented. Although this turned out to be more work (per phone) than anticipated we completed the effort before the end of March.

Work on the Tyler front end for license applications is complete on the IT side and ready to go live once supporting processes and documentation on the business process are in place.

We're reporting good numbers on the Security metrics although up just a bit in the vulnerability percentage.

Prior Period Completed Work

- I.T. Strategic Plan – *Approved*
- Data set inventory for Open Data, semi-annual review – *Complete*
- Bond amount change support – *Complete*
- Mobile Device Management (InTune) implementation -- *Complete*

Current Period Changes

- Data Governance and retention

- Write rules and procedures around what data needs to be retained, for how long, and the proper way to remove data that no longer needs to be retained.
- Begin software design and development of removal process that documents what happens.
- Tyler Tech Application support

Upcoming work

- Data retention work is picking up now on both the identification and remediation front. That is, which records need to go away and how can we safely remove all traces of a license from the whole spectrum of places where such information is kept.
- EIS has announced the decommissioning of some old Email infrastructure that supported the <agency>.state.or.us email addresses. We have a bit of work to do but it is, thus far, not looking like a large lift.

➤ **Security reported status - Reported monthly by EIS/Enterprise Security Office (ESO)**

- ◆ The state numbers may be confusing. This percentage is arrived at by comparing the number of vulnerabilities found to the number of systems that have a vulnerability. So a single system with 2 critical vulnerabilities would rate 200%. Thus 155% means that, on average each vulnerable system has 1.55 vulnerabilities.
- ◆ During the current period our security numbers stayed consistent. The statewide numbers got better and are now more in line with where ours have been.

- ◆ **01 April 2024**
 - 97% of systems scanned (statewide 91%)
 - 39% have critical vulnerabilities (statewide 38%)
- ◆ **21 February 2024**
 - 95% of systems scanned (statewide 91%)
 - 37% have critical vulnerabilities (statewide 45%)
- ◆ **02 October 2023**
 - 95% of systems scanned (statewide 92%)
 - 41% have critical vulnerabilities (statewide 57%)
- ◆ **04 September 2023**
 - 94% of systems scanned (statewide 91%)
 - 78% have critical vulnerabilities (statewide 91%)
- ◆ **05 July 2023**
 - 93% of systems scanned (statewide 90%)
 - 55% have critical vulnerabilities (statewide 69%)
- ◆ **01 May 2023**
 - 97% of systems scanned (statewide 90%)
 - 25% have critical vulnerabilities (statewide 101%)
- ◆ **03 April 2023**
 - 99% of systems scanned (statewide 90%)
 - 13% have critical vulnerabilities (statewide 98%)

CONSTRUCTION CONTRACTORS BOARD

201 High Street SE, Suite 600
PO Box 14140
Salem, OR 97309-5052
503-378-4621



Memorandum

To: Construction Contractors Board
From: Leslie Culpepper, Communications and Education Manager
Date: February 7, 2024
Subject: Outreach and Education Program update

Education Update:

- The education section held a live (in-person) class in Salem on April 9, and has a live class in person scheduled for March 21. We've also scheduled live classes in southern Oregon for later this spring. While these live classes do not reach as many people as the webinars, which we continue to do monthly, live classes allow us to reach contractors who are unable to attend webinars and promote engagement with contractors. Live classes are a good opportunity for contractors to ask questions, pick up brochures and trifold business card holders from the agency and network with other contractors while fulfilling their 3-hour class requirement.

Outreach Update:

- The education section recently published a Homeowner Newsletter and a Toolbox Newsletter (both attached)
- A homeowner webinar was held on March 26. More 80 people signed up and 80% of attendees who filled out the survey at the end said they would recommend the webinar to someone else. We also received a request from one of the attendees to repeat the webinar for their community group. This has happened both times we have given this webinar.
- An "overlay" has been placed on our website to encourage first-time visitors to sign up for the homeowner newsletter. The overlay only appears the first time someone visits the CCB's website, and is easy to close out of for anyone who doesn't want to sign up. A screenshot of the overlay is pasted on the following page. The overlay is doubling the number of people signing up for the homeowner newsletter daily, helping the education section to reach the goal of 5,000 new sign ups for this newsletter by the end of the year.



Stay Connected

Sign up to receive the Homeowner Newsletter from Construction Contractors Board.

Email *

By checking this box, you consent to our [data privacy policy](#). *

Next

TOOL BOX

April 2024



Construction
Contractors Board

PO Box 14140
Salem, OR 97309-5052

Phone: 503-378-4621

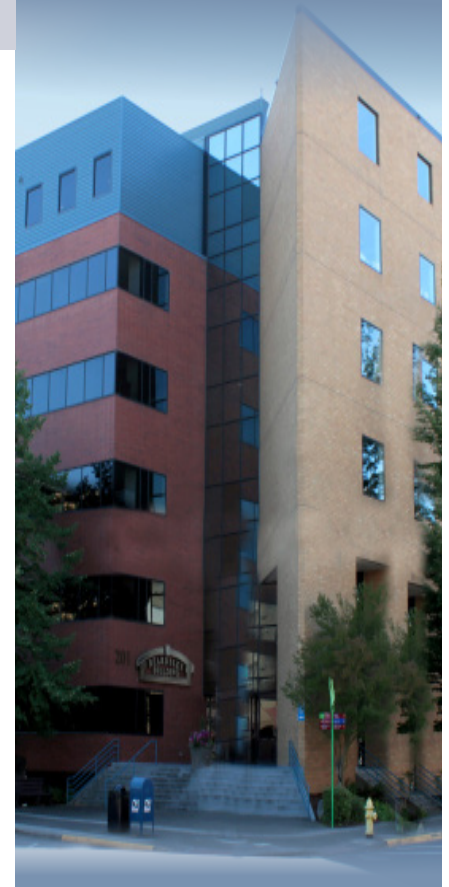
Fax: 503-373-2155

www.oregon.gov/ccb

Board Approves \$75 License Fee Increase, Proposes Studying Changes to Promote Fairness and Predictability

Last December, the CCB announced a proposal to increase the two-year license fee by \$75. The license fee was set at \$325 in 2010. Since 2010, costs have increased significantly and the industry has grown in size. At the same time CCB has held the line on staffing and sought ways to be more efficient with existing staff. The fee paid by contractors has remained at or below the rate established in 2010. The board proposed the increase to ensure the agency will have the resources needed to deliver accountable customer service to the contractors and consumers of Oregon.

Public comment was open until March 14 at 5:00 pm. The agency solicited public comment through multiple announcements and reminders, held a hearing for public comment, and accepted public comments through email. More than 200 public comments were submitted to the agency. The agency also held two informational webinars to give more background on the fee increase and to allow attendees to ask questions.



This March 27, 2024, the agency's board met to discuss the proposed fee increase and public comments received during the public comment period.

Board Considers Changes Based on Public Comment

At its March 27, 2024 Board meeting, The Board discussed, in detail, comments submitted by contractors during the public comment period. Many contractors suggested a tiered licensing fee structure that would result in smaller fees for businesses with fewer employees or lower annual revenue. Many contractors also requested changes to the continuing education program that would entail more relevant education for contractors while also making education requirements contingent upon a contractor's years in business.

The Board recognizes the validity of these ideas and has determined more discussion and research is warranted. The Board has provided direction to the agency to research the ways that licenses can be "right-sized" to limit the financial impact on smaller businesses. These efforts will be ongoing, starting with reports from the agency at the next board meeting in April.

In addition, the Board also discussed the potential for future fee increase discussions to be scheduled and indexed to pre-determined metrics in order to promote predictability. This would allow for smaller increases in the future and enable CCB licensed businesses to plan for increases.

Results of the March 27, 2024 Board Meeting

Board members also spoke strongly in support of preserving CCB enforcement, licensing and other services at current levels in approving the fee proposal.

While the Board does recognize the need to study longer-term changes to the fee structure, the financial realities giving rise to the fee increase proposal warranted moving forward. At the end of the meeting, the Board approved the proposed license fee increase. This increase begins on July 2024 and will be implemented over a two-year period. After full implementation, the two-year fee for both a new license and renewal of an existing license would be \$400.

Sign Up For 3 Hours of CCB Laws, Rules and Business Practices This Spring

Residential contractors are required to take 3 hours of CCB Laws, Rules and Business practices (LRB) classes every 2 years to renew their license. Each 3-hour class features a presentation from CCB and presentations from other state agencies.

Classes (webinars and in-person classes) are scheduled through the spring. You can view the CCB's schedule on this website: <https://www.oregon.gov/ccb/Pages/Education-Catalogs.aspx#CCBclasses>

Want to take the 3-hour class in Spanish? **Sign Up for our live in-person class in Spanish** on May 21 in Salem!





KEY CONTACTS

Licensing questions:

503-378-4621

Report unlicensed activity:

503-934-2229

Dispute resolution

(mediation) questions:

503-934-2247

Education questions:

503-934-2227

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Licensing Manager

Dana Zeimantz

Enforcement Manager

Vena Swanson
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Communications/Education Manager

Leslie Culpepper
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leslie.culpepper@ccb.oregon.gov

BOARD MEMBERS

Dylan Bochsler, Stayton * chair

Eric Olsen, Monmouth * vice chair

Deb Flagan, Bend

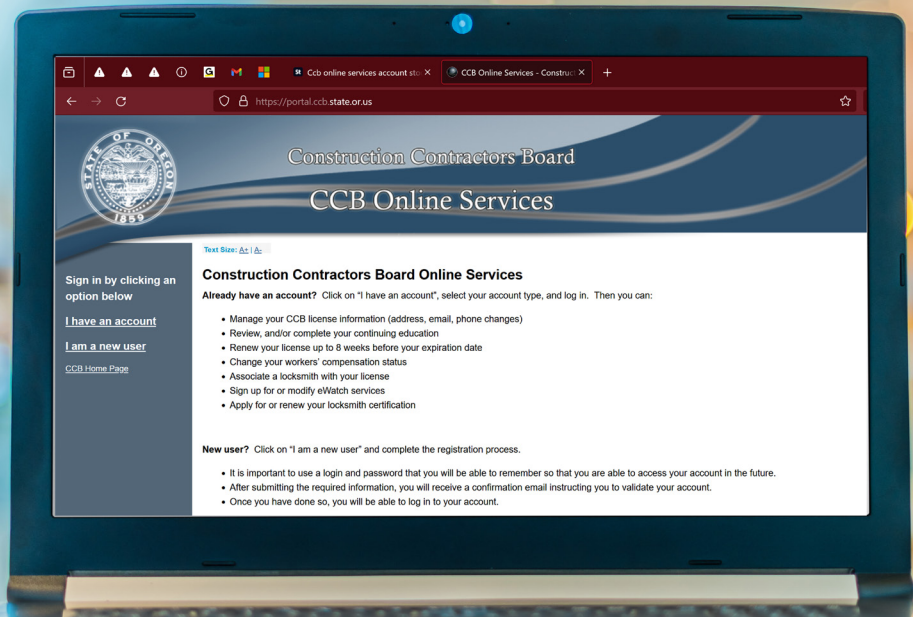
Brent Landels, Bend

Sean VanGordon, Springfield

Abel Carbajal, Independence

Rosa Martinez, Eagle Creek

Nate Gerding



Sign up for an online services account

An online services account allows you to check the status of your license, access CCB services, manage your license information and enjoy faster renewal processing times. With an online services account, you can:

- Renew your license and pay license renewal fee
- Update your address and other contact information
- Complete the 3 hours of CCB Laws, Regulations & Business Practices continuing education
- View your continuing education history and current status
- Access e-watch to track the license status of your subcontractors
- Update your workers compensation status (exempt versus non-exempt)

How to register for an online services account.

1. Visit the online services portal link <https://portal.ccb.state.or.us> and click "I am a new user".
2. Complete the required information and click "Register".
3. Watch for an email from the CCB and validate your account. If you don't receive an email, check your junk or spam folder – the email should come from noreply@ccb.oregon.gov. Once you have validated your email address, you can go to the online services portal and log in.

Are you a licensed home inspector? This is what you should know about continuing education.

As a home inspector, you must complete 30 continuing education units in the 24 months prior to your certification expiration date. These classes must be from approved providers in approved subject areas.

Accredited colleges and universities, as well as federal, state or local government agencies, are all approved. Additionally, certain private education businesses are approved to offer courses. Find approved home inspector education providers [on our website](#).



Article from Building Codes Division (BCD): Oregon ePermitting Offers Electronic Access to Building Permits

The Oregon State Building Codes Division's ePermitting website (BuildingPermits.Oregon.gov) allows licensed contractors to apply for building permits with just a few clicks of a mouse! Participation by cities or counties is voluntary, but by 2025 all will be required to offer electronic access to building permits via Oregon ePermitting or another substantially similar system. Available in over 80 jurisdictions across the state, ePermitting offers contractors tools to help purchase permits, submit electronic plans, request inspections, receive push notifications from inspectors immediately when an inspection is completed, access all inspection results, participate in remote video inspections and much more.

To use the ePermitting website, a contractor must first register for an account on the BuildingPermits.Oregon.gov website. Step-by-step directions to register for an account are provided, but contractors can call the help desk to receive assistance in setting up their account. Training is available to contractors via BCD's [Online Training Documents](#), over the phone, online and in-person upon request. The ePermitting program works with local building jurisdictions to host in-person contractor trainings across the state at times convenient for contractors.

If you are interested in having a contractor training hosted in your community, email BCD at Oregon.ePermitting@dcbs.oregon.gov. As of November 1st, all contractor trainings will offer 1 hour of continuing education credit to contractors that participate.

In addition to the ePermitting website, we offer the Oregon ePermitting App that allows contractors to request/reschedule/cancel inspections, check inspection results, submit photos to an inspection at the inspector's request, participate in live video inspections, subscribe to and receive push notifications of inspection results and direct message with inspectors on the same day of the inspection. The App is available from both the Google Play Store (Android) and the Apple App store. The App has a Menu that offers training documentation as well as contact information for online and in-person training.

With the popularity of the Oregon ePermitting App and ability to schedule multiple inspections at one time we have added an Easy Scheduling link from the ePermitting website that gives contractors a faster and more convenient method to schedule inspections on a computer.

For more information on ePermitting contact Jerod Broadfoot, Outreach & Training Coordinator for the Oregon Building Codes Division, at jerod.a.broadfoot@dcbs.oregon.gov or by phone at 541-240-1256.

Scan this QR Code to get the ePermitting App for your iPhone or Android device



7 Things to know about continuing education for commercial contractors

1. All commercial contractors must complete continuing education unless they are exempt from continuing education. To find out if you are exempt, [see our website](#).
2. All continuing education must be performed by key employees. A key employee is an owner or employee who is one of the following: corporate officer, manager, superintendent, foreperson, lead person, any other person who supervises construction activities.
3. Classes do not have to be pre-approved by CCB. Commercial contractors can take a variety of courses on construction methods or business practices to meet their continuing education requirements. You can take classes from community colleges, universities, trade schools, trade or business associations, professional societies, private companies and public agencies.
4. In-house trainings and safety meetings can count for continuing education. That's right! If you have regular safety meetings or in-house trainings, document them (how long, when, who attended, who lead the meeting, etc) to count them toward your continuing education.
5. Classes should be at least one-hour long. Classes are required to be at least one hour to count toward your continuing education.
6. CCB audits continuing education for commercial contractors. You may be required to show proof of your continuing education following a renewal. Be ready with certificates and other documentation to show that your continuing education was completed.
7. Failure to comply with an audit could result in suspension of the license. Check your mail for letters that indicate your license has been selected for audit. Don't wait to respond!



CCB sends emails! Check your spam or junk email folder.

Email spam filters can sometimes send important CCB emails to your spam or junk folders. Make it your habit to check your spam folder from time to time, to be sure you are not missing important emails from the CCB concerning your license.

Have you signed up for E-Watch yet?

CCB's online service, E-Watch, enables you to monitor the status of any contractor's license on an ongoing basis. If a license status changes, an email will alert you.

Why Is E-Watch Important?

Even unintentional suspensions and expirations of your license or a subcontractor's can lead to violations. Quick notification from E-Watch enables you to address issues quickly, allowing everyone to get back to work.

Signing Up is Easy

If you have an online services account, you can sign up for E-Watch.

1. Sign in to your online services account. (<https://portal.ccb.state.or.us/>)
2. Click the E-Watch link, located on the left-hand side of the screen.
3. Click on an existing tab or create a new tab to start adding licenses.
4. Enter the license number of any contractor.
5. Click submit.

If the license expires, is suspended, or becomes inactive, you'll receive an email about the change.

Know the Status of Any License – Including Your Own

With E-watch, you can monitor more than just a subcontractor's license; you can also monitor your own. If your license is suspended or expires, you'll know when it happens. To find out more about E-Watch, visit your online service portal at <https://portal.ccb.state.or.us/>, or call the CCB at 503-378-4621.

Have you signed up for the homeowner newsletter?

One of the ways the CCB performs outreach to homeowners is by publishing a homeowner newsletter with information about how and why to hire licensed contractors. The newsletter covers a range of topics including home improvements and remodels. Sign up to stay informed and share the newsletter with your customers!

Tools and Tips Homeowner Newsletter
June 2023

Performing DIY Projects in Oregon
For many people, DIY projects are a part of homeownership. It can save money when you're on a tight budget, and can also give you a sense of accomplishment. Successful home improvement projects take effort and planning. Getting permits when needed and taking precautions to do the job right are what you need to know about performing DIY projects.

Get the Required Permits
Oregon law requires you to obtain local permits for a range of construction performed on your home to ensure the safety and standards for safe construction. Permits are required for additions, as well as for specific remodels, alterations, and repairs which include structural, plumbing, mechanical and electrical work. The person performing the work, whether it is a homeowner or a contractor, is responsible for obtaining all necessary permits. Once you have your permits, you must:

- The permit must be on site and available to the contractor.
- Accompanying approved plans, they must be kept on site.
- Your permit expires if work is not started within 180 days or more, unless an extension has been granted locally.
- Once you have begun work, your permit expires if you cannot work within a 180-day period. You must submit a request to the local authority having jurisdiction to extend the permit.

An Interview with CCB's Enforcement Manager: Advice for Your Next Home Improvement Project
For this issue of the Tools and Tips newsletter, we interviewed Vena Swanson, the CCB's Enforcement Manager. In addition to her experience at the CCB, she has 10 years of experience working in the construction industry most recently as Chief Operations Officer of a Commercial/Residential contractor. During our conversation, we discussed home improvement projects, home improvement scams, disputes with contractors and more.

Want practical advice from an industry expert on how to conduct a successful home improvement project? Read on.

What's the first thing you always do when you're planning a big home improvement project?
Like anyone else, the first thing I do is figure out my project scope and budget. It's important to know what you want to do and stick to it. I hear a lot about consumers who had an idea of what they wanted from their remodeling project, but it quickly got out of hand. First it was only new countertops, then it was cabinets too, then it's the new sink, etc. It's kind of a gotcha – things have a way of spiraling. Know your budget and your project scope then stick with those two things."

What advice would you give to a homeowner checking a contractor's license?
First and foremost, make sure your potential contractor is licensed, NEVER hire an unlicensed contractor. When you check the contractor's license on our website, you'll see the history on the license, if their license is active, if they have any complaints or disciplinary history – maybe even suspensions. Just because a contractor has a

Homeowners Insurance Claim? Join Our Webinar on March 26
If you've experienced a home improvement project that has gone wrong, you may be wondering about the claims process and repairing your home. Now, in the weeks following, homeowners must recover and move on. Join our webinar to learn about the claims process and repairing your home. Register now!



TOOLS & TIPS

CCB'S HOMEOWNER NEWSLETTER

March 2024



Oregon Construction Contractors Board

PO Box 14140
Salem, OR
97309-5052

Phone 503-378-4621
Fax 503-373-2115

www.oregon.gov/ccb

Sign up for our newsletter



Have a Homeowners Insurance Claim? Attend Our Webinar on March 26

Winter storms brought down trees and cut power to homes, causing damage in innumerable ways. Now, in the weeks following, homeowners must recover and move on.

If you have questions about the claims process and repairing your home, join CCB and Division of Financial Regulation at Department of Business and Consumer Services to learn more about the steps when filing a homeowners insurance claim and making repairs to your property. During our webinar, we'll cover:

- How to file a claim with your insurance company
- Common problems that people experience when filing a claim, and how they can be avoided
- Resources when filing a claim, recovering from a natural disaster
- How to hire a licensed contractor
- Signs of a construction scam
- Resolving disputes with your contractor

Want to sign up? Click the button below:

<https://register.gotowebinar.com/register/3511103903889832286>



Get Ready for Exterior Renovations!

Exterior renovations can improve your property value. Many homeowners perform their exterior renovations in summer when there's not much rain in the forecast. This is the perfect time to start thinking about those renovations.

Get Started ASAP

Good contractors book up fast! Many reputable contractors have fully booked schedules well before summer begins. If you're hoping to get your exterior renovations finished this summer, start vetting contractors now. Having a hard time finding contractors?

- Ask friends and family for recommendations
- Check with nearby material suppliers— material suppliers often know which contractors are active in the area
- Always check the license even if you trust the source that referred you to the contractor

Construction Contractor or Landscape Contractor?

In Oregon, landscape contractors and construction contractors are separately licensed by different agencies. There is some overlap between these two types of licenses, but some duties can only be done by a business with the right type of license. Here's some information that will help you navigate these two licenses.

Nearly everyone who repairs, remodels or builds a residential structure needs a CCB license.

Planting and irrigation work must be done by a landscape contractor licensed with the LCB, except in limited circumstances where irrigation work may be performed by a CCB licensed plumbing contractor.

Contractors with either type of license (LCB or CCB) can perform work involving decks, fences, patios, walkways, driveways, retaining walls, landscape edging, arbors, and water features and tree removal work.

Have questions about when to hire an LCB licensed contractor and when to hire a CCB licensed contractor? Contact CCB or LCB.

LCB: <https://www.oregon.gov/lcb>, 503-967-6291 | CCB: <https://www.oregon.gov/ccb>, 503-378-4621

Benefits of CCB and LCB Licensure

Licensed contractors are bonded and insured, to help protect consumers when things go wrong on the jobsite. CCB and LCB both provide mediation services to help iron out disputes that arise between homeowners and their contractors. People who use unlicensed contractors don't have access to the service. Finally, consumers can access 10 years of history on any contractor's license by looking up the license through the license search on CCB and LCB websites.



KEY CONTACTS

Licensing questions:

503-378-4621

Report unlicensed activity:

503-934-2229

Dispute resolution

(mediation) questions:

503-934-2247

Education questions:

503-934-2227

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Leslie Culpepper

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Dylan Bochsler, Stayton

Kurt Bolser, Grants Pass

Abel Carbajal, Independence

Patty Dorroh, Burns

Deb Flagan, Bend

Rosa Martinez, Eagle Creek

Andrea Noble, Central Point

Eric Olsen, Monmouth

Susan Steward, Portland

Need Paving? Read This

Paving scams are a very real and common problem at this time of year. If you need paving to be performed on your property, always check the license and check references before hiring a contractor. Be cautious of any paving contractor that solicits work door to door, and never work with a contractor that pressures you to make a decision on the spot. If the contractor says you'll miss out on a great deal if you don't act now, walk away! That's a sign of a scam. **Good contractors let customers do their homework and make an informed buy decision.**

Want to know more about paving scams? Read our [previous newsletter article](#) on the topic.

Know the Signs Of a Scam

Watch for the signs of a scam including:

- Contractor solicits door to door, pressures you to act now
- Work requires large up-front deposit, or all money up front
- Offer sounds too good to be true

Always Get a Contract, Even When It's Not Required

Contracts are required for jobs over \$2,000, but the CCB recommends getting a contract even for small jobs. Contracts help keep contractors and homeowners on the same page, establish clarity and prevent miscommunications, and also give you something to refer to if something goes wrong.

Have questions about what should be in the contract? See CCB's publication on our website: <https://www.oregon.gov/ccb/Documents/Guide%20to%20home%20improvement%20contracts.pdf>

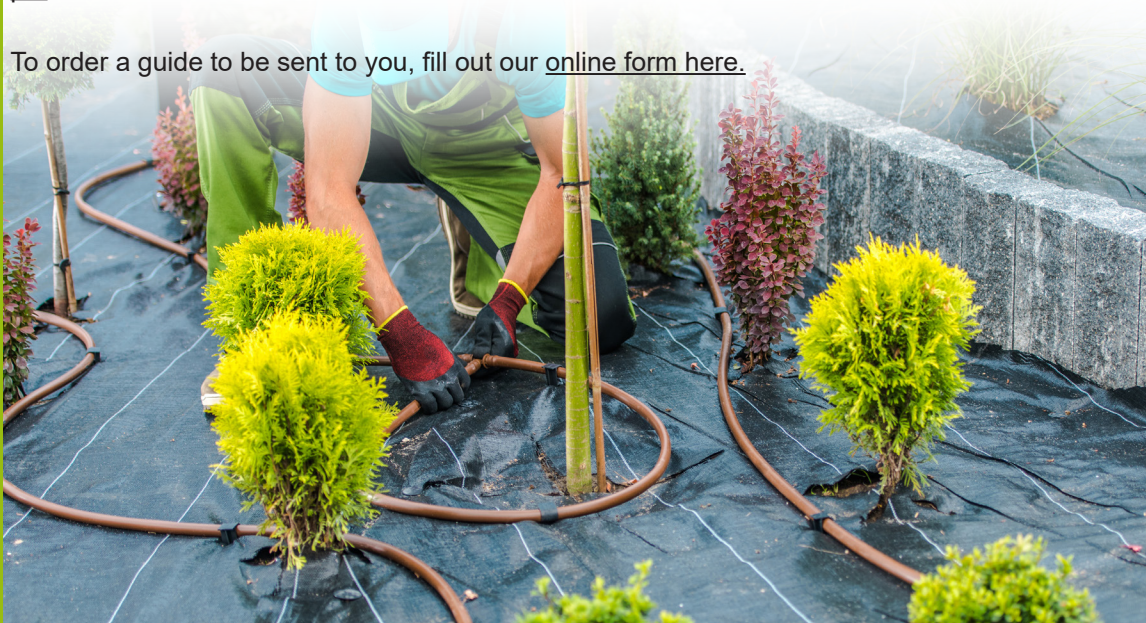
Order a Guide to Selecting a Contractor from CCB Before Starting Your Project

CCB publishes brochures designed to help homeowners through their home improvement projects. You can order publications to be sent straight to your home through our online order form. The guide to Selecting and Working with a Contractor has information about completing projects including finding and vetting a contractor, information about the contract and what to expect throughout the renovation process.

You can see an online example of the publication here:

<https://www.oregon.gov/ccb/Documents/Guide%20to%20Hiring%20a%20Contractor.pdf>

To order a guide to be sent to you, fill out our [online form here](#).

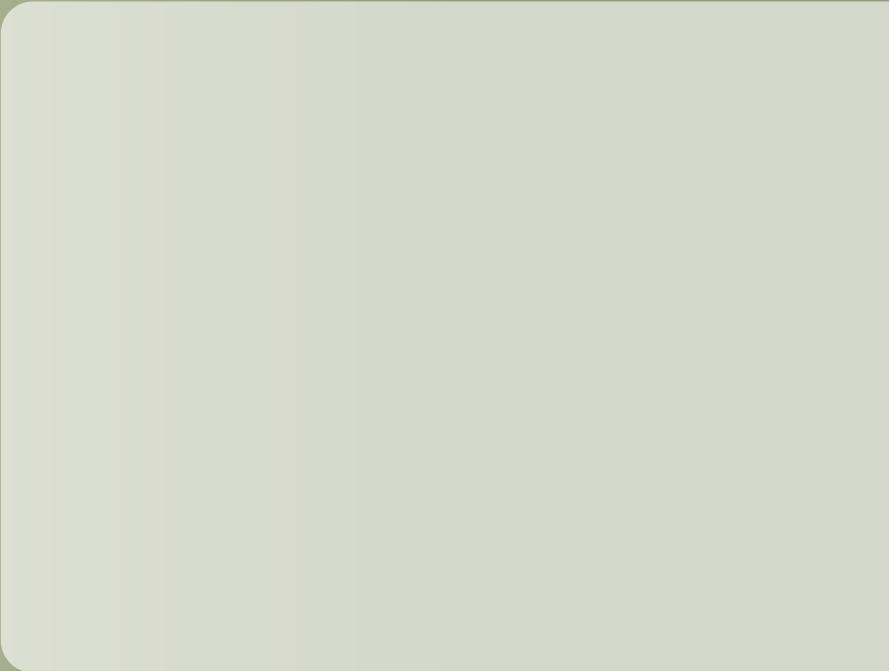




State of Oregon
Construction Contractors Board



201 High Street SE, Suite 600
Salem, OR 97301
503-378-4621
www.oregon.gov/ccb



CONSTRUCTION CONTRACTORS BOARD

201 High Street SE, Suite 600
PO Box 14140
Salem, OR 97309-5052
503-378-4621
503-373-2007 FAX



Memorandum

To: Construction Contractors Board
From: Chris Huntington on behalf of Vena Swanson, Enforcement Program Manager
Date: April, 2024
Subject: Enforcement Update

Field Operations:

As we move into the busy season, job site checks are up (see data dashboard packet) and the team is performing well. Planning for sweeps is ongoing. In May the agency will participate with other agencies, including Department of Revenue, as part of the Interagency Compliance Network (ICN). Discussions and planning for cooperative sweeps with the Oregon Building Codes Division have also begun. The agency will also be conducting stand-alone agency sweeps between May and September.

Dispute Resolution

Significant progress has been made on the training two new Dispute Resolution employees. Consistent with agency strategy of developing cross-functional staff, both of these employees are being trained to be able to perform multiple DRS functions:

- One position is a Field Investigator/Mediator;
- One position is a Dispute Analyst/Mediator.

These new staff are already contributing to and improving the workflow of the section and we believe this will continue to improve as these staff begin to perform comparably to our experienced staff.

**Consent Agenda attached for approval.*

CONSTRUCTION CONTRACTORS BOARD ENFORCEMENT CONSENT AGENDA

02/07/2024 - 04/10/2024

4/11/2024

NOTICES OF INTENT

1 - ADVERTISING, BIDDING OR WORKING WITHOUT A LICENSE

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133476	DALTON, LAWRENCE M	701.021(1)	03/19/2024	5,000.00
133764	HERNANDEZ, EMILIANO RAMOS	701.021(1)	02/16/2024	1,000.00
133795	MOFFETT, JASON	701.021(1)	03/01/2024	5,000.00
133804	WALL, ROY DEAN	701.021(1)	03/01/2024	600.00
133842	WILLIAMS, DAVID P	701.021(1)	02/09/2024	5,000.00
133843	MATTYS BUILDING AND RENOVATION LLC	701.021(1)	02/07/2024	5,000.00
133852	NORTHERN HOMES LLC	701.021(1)	02/09/2024	5,000.00
133870	POLK COMMUNITY DEVELOPMENT CORP	701.021(1)	02/14/2024	1,000.00
133871	HIRAHARA, ANDREW ANTHONY	701.021(1)	02/13/2024	1,000.00
133873	JBQ QUALITY CONSTRUCTION INC	701.021(1)	02/13/2024	5,000.00
133877	RODAS TRIMM LLC	701.021(1)	02/16/2024	1,000.00
133878	AMERICAS HANDYMAN LLC	701.021(1)	02/27/2024	600.00
133878	AMERICAS HANDYMAN LLC	701.021(1)	02/14/2024	600.00
133888	PAUL JAMES BLAKELY & EDWARD ROBERTO BARILLAS	701.021(1)	02/16/2024	5,000.00
133889	NEHEMIAH CONSTRUCTION & DEVELOPMENT LLC	701.021(1)	02/19/2024	5,000.00
133898	STONE JR., JOSEPH LEE	701.021(1)	02/22/2024	1,000.00
133899	GOMEZ TORRES, JOSE A	701.021(1)	02/27/2024	1,000.00
133902	OREGON CONSTRUCTION GUYS LLC	701.021(1)	03/01/2024	5,000.00
133911	WESTFALL, GORDON	701.021(1)	03/01/2024	600.00
133913	LUXURY PAINTING & REMODELING LLC	701.021(1)	03/01/2024	600.00
133930	RAYGOZA, JUAN PABLO	701.021(1)	03/15/2024	5,000.00
133931	KIRKPATRICK, ERIK MIKHAIL	701.021(1)	02/28/2024	1,000.00
133932	ELLIOTT, CHRIS JOHNATHAN	701.021(1)	03/12/2024	1,000.00
133932	ELLIOTT, CHRIS JOHNATHAN	701.021(1)	02/28/2024	1,000.00
133938	SANCHEZ, AURELIO MONROY	701.021(1)	02/22/2024	1,000.00
133939	UBER ROOFING LLC	701.021(1)	02/26/2024	5,000.00
133940	WINDOW PRODUCTS INC	701.021(1)	02/27/2024	1,000.00
133962	COMPTON, JASON	701.021(1)	03/20/2024	5,000.00
133964	SIMMONS, BOBBY RAY	701.021(1)	03/01/2024	5,000.00
133968	SIGN GRAFX INC	701.021(1)	03/01/2024	1,000.00
133970	RENNELAND SOLUTIONS LLC	701.021(1)	03/01/2024	600.00
133973	CORNERSTONE OUTDOOR LIFE LLC	701.021(1)	03/04/2024	600.00
133977	UBER ROOFING LLC	701.021(1)	03/06/2024	5,000.00
133983	HERDER, ALEX JORDAN	701.021(1)	03/05/2024	5,000.00
133984	LIGHTING ELECTRIC LLC	701.021(1)	03/06/2024	1,000.00
133988	CALDWELL, LARRY PAUL	701.021(1)	03/07/2024	1,000.00
133990	RIVERCAST CUSTOM REMODELING LLC	701.021(1)	03/07/2024	1,000.00
133996	HARRISON, JEREMY ADAM	701.021(1)	03/11/2024	600.00

133997	ROOFIX TECHNOLOGIES LLC	701.021(1)	03/11/2024	1,000.00
133998	UBER ROOFING LLC	701.021(1)	03/11/2024	5,000.00

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NOTICES OF INTENT (cont.)

1 - ADVERTISING, BIDDING OR WORKING WITHOUT A LICENSE (cont.)

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
134020	JC GRANITE & QUARTZ LLC	701.021(1)	03/14/2024	1,000.00
134039	STONESCAPE MASONRY & CONSTRUCTION INC	701.021(1)	03/20/2024	1,000.00
134049	MOORE, BRANDON LEROY	701.021(1)	03/21/2024	5,000.00
134050	WALKER, CHRIS	701.021(1)	03/22/2024	600.00
134057	SAUCEDO, ARMANDO JAIMES	701.021(1)	04/02/2024	0.00
134057	SAUCEDO, ARMANDO JAIMES	701.021(1)	03/22/2024	1,000.00
134074	BELLAS GUTTER SERVICES LLC	701.021(1)	03/26/2024	1,000.00
134075	PRECISION WOODWORKS LLC	701.021(1)	03/26/2024	1,000.00
134096	L & Z FENCING & DECKING LLC	701.021(1)	03/27/2024	5,000.00
134108	DNL ROOFING LLC	701.021(1)	04/05/2024	5,000.00
134119	LEGACY CONSTRUCTION AND REMODELING LLC	701.021(1)	03/28/2024	1,000.00
134177	ROBERTS III, EDISON BATES	701.021(1)	04/08/2024	5,000.00
134184	MR BLUE LLC	701.021(1)	04/09/2024	600.00
134188	TAYLOR MADE SERVICE LLC	701.021(1)	04/09/2024	5,000.00
134189	UNION EXTERIORS LLC	701.021(1)	04/10/2024	5,000.00

2 - EXEMPT CONTRACTOR WITH EMPLOYEES

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133856	ALVAREZ REMODELING LLC	701.035(3)	02/13/2024	1,000.00
133885	F & L QUALITY CONCRETE LLC	701.035(3)	02/21/2024	1,000.00
133886	F & L QUALITY CONCRETE LLC	701.035(3)	02/21/2024	1,000.00
133906	BANEGAS CONSTRUCTION LLC	701.035(3)	02/21/2024	1,000.00
133907	PHUONG, VINH MOC	701.035(3)	02/22/2024	1,000.00
133946	ISTINA CONSTRUCTION LLC	701.035(3)	02/28/2024	1,000.00
133947	CAMO CONSTRUCTION & LANDSCAPE LLC	701.035(3)	03/19/2024	1,000.00
133948	LOPEZ, SONNY	701.035(3)	02/29/2024	1,000.00
133976	SORRELLS ROOFING & CONSTRUCTION LLC	701.035(3)	03/11/2024	1,000.00
133987	UMANAS HOME IMPROVEMENT LLC	701.035(3)	03/20/2024	1,000.00
134009	GF BROS PAINTING LLC	701.035(3)	03/12/2024	1,000.00
134024	GUNDERSEN JR, GARY LEE	701.035(3)	03/19/2024	1,000.00
134033	ALL UNDER 1 GENERAL CONSTRUCTION LLC	701.035(3)	03/19/2024	1,000.00
134045	HIGGINS, DAVID EDWARD	701.035(3)	03/20/2024	1,000.00
134058	MASON HOME REMODEL LLC	701.035(3)	03/21/2024	1,000.00

134086	EZ AQUISITIONS LLC	701.035(3)	03/26/2024	1,000.00
134114	ELOHIM PAINTING LLC	701.035(3)	03/27/2024	1,000.00
134156	PREMIUM HOME RENOVATION LLC	701.035(3)	04/09/2024	1,000.00

3 - LEAD BASED PAINT

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133826	ROSE CITY HOMES LLC	701.510(2)	02/07/2024	1,000.00

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NOTICES OF INTENT (cont.)

3 - LEAD BASED PAINT (cont.)

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133827	GOLDSTAR FLOORING LLC	701.510(2)	02/07/2024	1,000.00
133841	GLV ENTERPRISES INC	701.510(3)	03/19/2024	5,000.00
133869	THE MUIRLANDS CORPORATION	701.510(2)	02/16/2024	1,000.00
133879	MAD FRAMING PLUS LLC	701.510(2)	02/14/2024	1,000.00
133893	HORIZON WEST REMODELING LLC	701.510(3)	02/16/2024	3,000.00
133937	JZ503 LLC	701.510(2)	02/27/2024	1,000.00
133944	ISTINA CONSTRUCTION LLC	701.510(2)	02/28/2024	1,000.00
133945	4M CONSTRUCTION LLC	701.510(2)	02/28/2024	1,000.00
133955	WESLEY WOOD WORKS LLC	701.510(2)	03/01/2024	1,000.00
133999	CASTILLO, ALEXANDER MIGUEL	701.510(2)	03/20/2024	1,000.00
134034	NORTHWEST CONSTRUCTION & RENOVATION LLC	701.510(2)	03/19/2024	1,000.00
134054	NW PRECISION EXTERIORS LLC	701.510(2)	03/21/2024	1,000.00
134062	HERNANDEZ CONSTRUCTION CORPORATION	701.510(2)	03/22/2024	1,000.00
134065	MASON HOME REMODEL LLC	701.510(2)	03/22/2024	1,000.00
134085	STUTZMAN & KROPF CONTRACTORS INC	701.510(3)	03/26/2024	1,000.00
134089	MODERN VISION PAINTING & CONSTRUCTION LLC	701.510(2)	03/26/2024	1,000.00
134104	LIBERTY NW HOMES LLC	701.510(2)	03/27/2024	1,000.00
134111	JIMENEZ CONSTRUCTION LLC	701.510(2)	03/27/2024	1,000.00
134140	GCA CONSTRUCTION LLC	701.510(2)	04/04/2024	1,000.00
134187	BIGFOOT CONSTRUCTION LLC	701.510(2)	04/09/2024	1,000.00

5 - HIRING AN UNLICENSED SUBCONTRACTOR

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133853	NORTH RIVER HOMES LLC	701.026(1)	02/09/2024	1,000.00
133876	CYPRESS HILL CARPENTRY SOLUTIONS INC	701.026(1)	02/16/2024	1,000.00
133928	TALON PRO CONSTRUCTION LLC	701.026(1)	02/27/2024	1,000.00
134019	R & R CUSTOM CABINETS LLC	701.026(1)	03/14/2024	1,000.00
134061	MASON HOME REMODEL LLC	701.026(1)	03/21/2024	1,000.00

6 - FAILURE TO DELIVER RESIDENTIAL CONSTRUCTION NOTICES

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133935	LAMMERS, TREVOR ALAN	701.330(4)	02/26/2024	500.00
133963	CASCADE VIEW CONTRACTORS LLC	701.330(4)	03/01/2024	100.00

7 - SUSPENSIONS

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133848	DYNAMIC ORGANIC SOLUTIONS LLC	701.102(2)(a)	02/08/2024	0.00
133849	BLUE SKY CONTRACTING LLC	701.102(2)(a)	02/08/2024	0.00
133850	WESTERN REGION GUTTER ALLIANCE LLC	701.102(2)(a)	02/08/2024	0.00
133851	KNIGHT SERVICES LLC	701.102(2)(a)	02/08/2024	0.00

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NOTICES OF INTENT (cont.)

7 - SUSPENSIONS (cont.)

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133854	KERBOW, JUSTIN LANE MORGAN	701.102(2)(a)	02/09/2024	0.00
133855	MKC LLC	701.102(2)(a)	02/09/2024	0.00
133858	J LION GENERAL CONSTRUCTION LLC	701.102(2)(a)	02/09/2024	0.00
133864	COASTAL CONSTRUCTION LLC	701.102(2)(a)	02/12/2024	0.00
133866	JOHNSON, TRAVIS SCOTT	701.102(2)(a)	02/12/2024	0.00
133890	BURNETT, KENNETH MICHAEL	701.068(6)	02/16/2024	0.00
133896	ANDRI CONSTRUCTION LLC	701.098(1)(b)	02/16/2024	0.00
133897	CULP CONSTRUCTION CO A UTAH CORPORATION	701.098(1)(b)	02/16/2024	0.00
133926	MARCUS E LEIGHTY REMODEL LLC	701.102(2)(a)	02/23/2024	0.00
133927	MCCALLISTER, BILLY JOE	701.102(2)(a)	02/23/2024	0.00
133929	COLUMBIA BASIN FENCE COMPANY LLC	701.102(2)(a)	02/23/2024	0.00
133933	HITMAN CONSTRUCTION LLC	701.102(2)(a)	02/23/2024	0.00
133934	BURNETT, KENNETH MICHAEL	701.102(2)(a)	02/23/2024	0.00
133957	CONSTRUCT REAL ESTATE LLC	701.102(2)(a)	03/01/2024	0.00
133967	IRRIGATION SPECIALISTS INC	701.098(1)(b)	03/01/2024	0.00
133969	HALCO CONTRACTING LLC	701.102(2)(a)	03/01/2024	0.00
133971	HITMAN CONSTRUCTION LLC	701.102(2)(a)	03/01/2024	0.00
133972	GARCIA, MICHAEL RAY	701.102(2)(a)	03/01/2024	0.00
133975	COLUMBIA BASIN FENCE COMPANY LLC	701.102(2)(a)	03/04/2024	0.00
133986	SLOVER, CHRISTOPHER LANE	701.102(2)(a)	03/06/2024	0.00
134022	SWEENEY, ROBERT MICHAEL	701.102(2)(a)	03/14/2024	0.00
134025	BURNETT, KENNETH MICHAEL	701.102(2)(a)	03/14/2024	0.00
134026	20 TWENTY SUSTAINABLE MANUFACTURING INC	701.102(2)(a)	03/18/2024	0.00

134027	JOHNNY ON THE SPOT TREE SERVICE AND WOODLOT LLC	701.102(2)(a)	03/18/2024	0.00
134028	KIWI CONSTRUCTION COMPANY	701.102(2)(a)	03/18/2024	0.00
134029	HAUGEN, JACOB WADE	701.102(2)(a)	03/18/2024	0.00
134030	LOCHMANN LLC	701.102(2)(a)	03/18/2024	0.00
134031	SAMS HARDWOOD FLOORS INC	701.102(2)(a)	03/18/2024	0.00
134032	UPLEFT ENERGY INC	701.102(2)(a)	03/18/2024	0.00
134036	GREGORY, BRITTANY JOELLE	701.102(2)(a)	03/19/2024	0.00
134037	FINE GRAIN CARPENTRY LLC	701.102(2)(a)	03/19/2024	0.00
134051	DABELLA EXTERIORS LLC	701.102(2)(a)	03/20/2024	0.00
134052	HALSTEAD, RICHARD LANE	701.102(2)(a)	03/20/2024	0.00
134064	RAM CONSTRUCTION & PLUMBING LLC	701.098(1)(b)	03/22/2024	0.00
134069	MCGINTY, MATTHEW JOHN	701.102(2)(a)	03/22/2024	0.00
134070	JOSSY PLUMBING SERVICES LLC	701.102(2)(a)	03/22/2024	0.00
134071	HEDDEN CONSTRUCTION LLC	701.102(2)(a)	03/22/2024	0.00
134072	HIS&HERS LLC	701.102(2)(b)	03/25/2024	0.00
134073	ESMERS CONSTRUCTION LLC	701.102(2)(a)	03/25/2024	0.00

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CONSTRUCTION CONTRACTORS BOARD ENFORCEMENT CONSENT AGENDA

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7 - SUSPENSIONS (cont.)

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
134077	G G MECHANICAL INC	701.102(2)(a)	03/25/2024	0.00
134079	HITMAN CONSTRUCTION LLC	701.102(2)(a)	03/25/2024	0.00
134084	ESMERS CONSTRUCTION LLC	701.102(2)(a)	03/25/2024	0.00
134101	BRIDGE CITY FLOORS LLC	701.098(1)(b)	03/26/2024	0.00
134102	MT HOOD FENCE & CONSTRUCTION LLC	701.102(2)(a)	03/26/2024	0.00
134120	DIRTWORX NW CORPORATION	701.068(6)	04/08/2024	0.00
134126	AMERIGAS PROPANE LIMITED PARTNERSHIP	701.098(1)(b)	03/29/2024	0.00
134127	E & A BROTHERS LANDSCAPE MAINTENANCE LLC	701.098(1)(b)	03/29/2024	0.00
134128	BOTTLER & BOTTLER LLC	701.098(1)(b)	03/29/2024	0.00
134129	KING PLUMBING INC	701.098(1)(b)	04/01/2024	0.00
134130	MOON CREEK HOMES INC	701.098(1)(b)	04/01/2024	0.00
134131	HARTMANN, AARON EVERETT	025.750	04/01/2024	0.00
134132	FARWELL MASONRY LLC	701.106(1)(k)	04/01/2024	0.00
134133	OREGON CONSTRUCTION GUYS LLC	701.102(2)(a)	04/01/2024	0.00
134134	MILLS, ROBERT JASON	701.102(2)(a)	04/01/2024	0.00
134135	E HARDWICK CONSTRUCTION LLC	701.102(2)(a)	04/01/2024	0.00
134138	DREAM BUILDERS 541 LLC	701.102(2)(a)	04/02/2024	0.00
134139	APPLETREE CONSTRUCTORS LLC	701.102(2)(a)	04/02/2024	0.00

134149	ROOT HOME INSPECTION SERVICES LLC	701.098(1)(b)	04/03/2024	0.00
134155	MICHAEL, NICKOLAUS JAMES	701.098(1)(b)	04/03/2024	0.00
134165	HICKS, MARK EDWARD	701.102(2)(a)	04/04/2024	0.00
134166	CARLSON, MICHAEL LAWRENCE	701.102(2)(a)	04/04/2024	0.00
134167	K&K ROOFING LLC	701.102(2)(a)	04/04/2024	0.00
134168	OREGON CONSTRUCTION GUYS LLC	701.102(2)(a)	04/04/2024	0.00
134175	HUGH CONSTRUCTION LLC	701.102(2)(a)	04/05/2024	0.00
134194	BIG BEAR FINISHES LLC	701.098(1)(b)	04/10/2024	

8 - OTHER

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133754	MCCALLISTER, BILLY JOE	701.098(1)(l)	03/27/2024	1,000.00
133846	SEA STARR HEATING & MORE INCORPORATED	701.098(1)(g)	02/09/2024	1,000.00
133874	GOOKIN, MARC DOUGLAS	701.098(1)(g)	02/16/2024	1,000.00
133914	INTEGRA BUILT BEND LLC	701.305(1)	02/23/2024	500.00
133921	BREWER, JOSHUA RYAN	701.305(1)	02/28/2024	500.00
133924	LAMMERS, TREVOR ALAN	701.305(2)	02/26/2024	500.00
133991	MICHAEL ANGELO EXTERIORS INC	701.106(1)(j)	03/20/2024	1,000.00
134006	ALLAIN CONSTRUCTION COMPANY LLC	701.305(2)	03/12/2024	500.00
134010	SAVATREE LLC	701.098(1)(f)	03/12/2024	0.00
134011	TURBINE OVERHAUL PERFORMANCE SPECIALIST FIELD SERVICES LLC	701.098(1)(f)	03/12/2024	0.00
134012	TIMBERLAB INC	701.098(1)(f)	03/12/2024	0.00

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NOTICES OF INTENT (cont.)

8 - OTHER (cont.)

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
134013	BOXX MODULAR INC	701.098(1)(f)	03/12/2024	0.00
134014	ROGUE RENOVATIONS LLC	701.098(1)(f)	03/12/2024	0.00
134015	MURRAY PLUMBING AND HEATING CORPORATION	701.098(1)(f)	03/12/2024	0.00
134016	ARMSTRONG, SEAN DAVID	701.098(1)(f)	03/13/2024	0.00
134017	FUTURE BUILDERS INC	701.098(1)(f)	03/13/2024	0.00
134021	CASCADE FENCE CO INC	701.098(1)(f)	03/13/2024	0.00
134048	MD & D CONSTRUCTION INC	701.305(1)	03/21/2024	500.00
134055	QUALTEK RENEWABLES LLC	701.098(1)(f)	03/21/2024	0.00
134056	STEVE COATS CONSTRUCTION INC	701.098(1)(f)	03/22/2024	0.00
134066	VERNAM INC	701.098(1)(f)	03/22/2024	0.00
134067	PETROLEUM CONSTRUCTORS INC	701.098(1)(f)	03/22/2024	0.00
134068	FE MORAN INC SPECIAL HAZARD SYSTEMS	701.098(1)(f)	03/22/2024	0.00
134091	FORN, DAVID DUANE	701.305(1)	03/27/2024	500.00

134112	NORTHWEST CONSTRUCTION GROUP LLC	701.106(1)(j)	03/29/2024	1,000.00
134157	LOGAN CUSTOM REMODELING LLC	701.098(1)(g)	04/04/2024	1,000.00
134162	LANDO BUILDERS CORP	701.098(1)(l)	04/10/2024	1,000.00
134179	BYRDHOUSE CONSTRUCTION LLC	701.305(1)	04/10/2024	500.00

9 - CRIMINAL / INJUNCTIONS / STOP WORK

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
132646	MO RENEWABLE CONSTRUCTION LLC	701.098(1)(i)	02/27/2024	0.00
132674	DOUBLE X CONSTRUCTION LLC	701.098(1)(i)	02/20/2024	
133942	CRT WORKS LLC	701.098(1)(i)	02/27/2024	0.00
134078	TRINITY CUSTOM CONCRETE LLC	701.098(1)(i)	03/25/2024	0.00
134105	THOMAS BROTHERS PAINTING AND DRYWALL LLC	701.098(1)(i)	03/27/2024	0.00
134116	HOME IMPROVEMENT PRO LLC	701.098(1)(i)	03/28/2024	0.00
134117	NW PRIME CONSTRUCTION LLC	701.098(1)(i)	03/28/2024	0.00

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FINAL ORDERS

1 - ADVERTISING, BIDDING OR WORKING WITHOUT A LICENSE

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
132827	ROGERS CONCRETE LLC	701.021(1)	02/26/2024	1,000.00
133672	WISMER, GREGG T	701.021(1)	02/12/2024	600.00
133673	GARCIA HERNANDEZ, RASEFIL IGNACIO	701.021(1)	02/21/2024	1,000.00
133724	ROYAL DAVICO INC	701.021(1)	02/07/2024	1,000.00
133725	BETTER THAN NEW CONSTRUCTION LLC	701.021(1)	02/23/2024	600.00
133738	MOULLET, JASON EDWARD	701.021(1)	03/19/2024	1,000.00
133739	CONDON, BRENT ARLEN	701.021(1)	02/14/2024	1,000.00
133749	PUSKARIC, ANTO	701.021(1)	02/14/2024	1,000.00
133752	UBER ROOFING LLC	701.021(1)	02/07/2024	5,000.00

133753	WILLIAMS, DAVID P	701.021(1)	03/01/2024	5,000.00
133760	CTD CONSTRUCTION LLC	701.021(1)	02/16/2024	5,000.00
133765	ONEAL ROOFING AND CONSTRUCTION LLC	701.021(1)	02/16/2024	1,000.00
133774	BLESSED CONSTRUCTION LLC	701.021(1)	02/16/2024	1,000.00
133777	ADVANTAGE ENERGY SOLUTIONS INC	701.021(1)	02/23/2024	1,000.00
133780	WCI BUILDERS LLC	701.021(1)	03/01/2024	5,000.00
133786	KODIAK ENTERPRISES LLC	701.021(1)	02/29/2024	1,000.00
133801	MORAE EXTERIOR SOLUTIONS INC	701.021(1)	02/15/2024	1,000.00
133804	WALL, ROY DEAN	701.021(1)	03/27/2024	600.00
133815	WEST COAST GATE AUTOMATION LLC	701.021(1)	02/23/2024	5,000.00
133822	CHIM-CHIMINEY SWEEPERS LLC	701.021(1)	03/26/2024	1,000.00
133835	CLEAN CUTS TREES LLC	701.021(1)	02/28/2024	1,000.00
133836	CLEAN CUTS TREES LLC	701.021(1)	02/28/2024	1,000.00
133837	CLEAN CUTS TREES LLC	701.021(1)	02/29/2024	1,000.00
133838	CLEAN CUTS TREES LLC	701.021(1)	02/29/2024	1,000.00
133842	WILLIAMS, DAVID P	701.021(1)	03/13/2024	5,000.00
133843	MATTYS BUILDING AND RENOVATION LLC	701.021(1)	03/11/2024	5,000.00
133852	NORTHERN HOMES LLC	701.021(1)	03/05/2024	5,000.00
133861	ABRAHAM'S HANDY MAN SERVICES LLC	701.021(1)	02/27/2024	1,000.00
133871	HIRAHARA, ANDREW ANTHONY	701.021(1)	03/11/2024	1,000.00
133873	JBQ QUALITY CONSTRUCTION INC	701.021(1)	03/07/2024	5,000.00
133877	RODAS TRIMM LLC	701.021(1)	03/20/2024	1,000.00
133888	PAUL JAMES BLAKELY & EDWARD ROBERTO BARILLAS	701.021(1)	03/12/2024	5,000.00
133889	NEHEMIAH CONSTRUCTION & DEVELOPMENT LLC	701.021(1)	03/15/2024	5,000.00
133898	STONE JR., JOSEPH LEE	701.021(1)	03/26/2024	1,000.00
133899	GOMEZ TORRES, JOSE A	701.021(1)	04/08/2024	1,000.00
133902	OREGON CONSTRUCTION GUYS LLC	701.021(1)	04/10/2024	5,000.00
133913	LUXURY PAINTING & REMODELING LLC	701.021(1)	03/27/2024	600.00
133930	RAYGOZA, JUAN PABLO	701.021(1)	03/18/2024	5,000.00
133931	KIRKPATRICK, ERIK MIKHAIL	701.021(1)	04/10/2024	1,000.00
133938	SANCHEZ, AURELIO MONROY	701.021(1)	03/20/2024	1,000.00

CONSTRUCTION CONTRACTORS BOARD ENFORCEMENT CONSENT AGENDA

02/07/2024 - 04/10/2024

4/11/2024

FINAL ORDERS (cont.)

1 - ADVERTISING, BIDDING OR WORKING WITHOUT A LICENSE (cont.)

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133939	UBER ROOFING LLC	701.021(1)	03/21/2024	5,000.00
133964	SIMMONS, BOBBY RAY	701.021(1)	03/26/2024	5,000.00
133968	SIGN GRAFX INC	701.021(1)	03/26/2024	1,000.00
133970	RENNELAND SOLUTIONS LLC	701.021(1)	04/10/2024	600.00

133973	CORNERSTONE OUTDOOR LIFE LLC	701.021(1)	03/27/2024	600.00
133977	UBER ROOFING LLC	701.021(1)	03/29/2024	5,000.00
133983	HERDER, ALEX JORDAN	701.021(1)	03/28/2024	5,000.00
133988	CALDWELL, LARRY PAUL	701.021(1)	03/29/2024	1,000.00
133996	HARRISON, JEREMY ADAM	701.021(1)	04/03/2024	600.00
133997	ROOFIX TECHNOLOGIES LLC	701.021(1)	04/10/2024	1,000.00
133998	UBER ROOFING LLC	701.021(1)	04/04/2024	5,000.00
134020	JC GRANITE & QUARTZ LLC	701.021(1)	04/05/2024	1,000.00

2 - EXEMPT CONTRACTOR WITH EMPLOYEES

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133719	BUILDING UP CONSTRUCTION LLC	701.035(3)	02/07/2024	1,000.00
133733	OLIVAS DRYWALL LLC	701.035(3)	02/14/2024	1,000.00
133812	A & S GARCIA CONSTRUCTION LLC	701.035(3)	02/21/2024	1,000.00
133856	ALVAREZ REMODELING LLC	701.035(3)	03/06/2024	1,000.00
133885	F & L QUALITY CONCRETE LLC	701.035(3)	03/26/2024	1,000.00
133886	F & L QUALITY CONCRETE LLC	701.035(3)	03/26/2024	1,000.00
133906	BANEGAS CONSTRUCTION LLC	701.035(3)	04/10/2024	1,000.00
133907	PHUONG, VINH MOC	701.035(3)	03/26/2024	1,000.00
133946	ISTINA CONSTRUCTION LLC	701.035(3)	04/08/2024	1,000.00
133948	LOPEZ, SONNY	701.035(3)	03/26/2024	1,000.00
133976	SORRELLS ROOFING & CONSTRUCTION LLC	701.035(3)	04/04/2024	1,000.00
134009	GF BROS PAINTING LLC	701.035(3)	04/10/2024	1,000.00

3 - LEAD BASED PAINT

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133545	LOPEZ, DIEGO Z	701.510(2)	02/13/2024	1,000.00
133728	SUPREME DEMOLITION LLC	701.510(2)	03/04/2024	1,000.00
133748	EJF DEVELOPMENT LLC	701.510(2)	03/13/2024	1,000.00
133813	A & S GARCIA CONSTRUCTION LLC	701.510(2)	02/15/2024	1,000.00
133816	BLACKSTONE CONTRACTING LLC	701.510(2)	02/19/2024	1,000.00
133817	FINNMARK PROPERTY SERVICES LLC	701.510(2)	02/19/2024	1,000.00
133826	ROSE CITY HOMES LLC	701.510(2)	03/13/2024	1,000.00
133827	GOLDSTAR FLOORING LLC	701.510(2)	03/13/2024	1,000.00
133869	THE MUIRLANDS CORPORATION	701.510(2)	03/13/2024	1,000.00
133879	MAD FRAMING PLUS LLC	701.510(2)	03/15/2024	1,000.00

**CONSTRUCTION CONTRACTORS BOARD
ENFORCEMENT CONSENT AGENDA**

02/07/2024 - 04/10/2024

4/11/2024

FINAL ORDERS (cont.)

3 - LEAD BASED PAINT (cont.)

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133893	HORIZON WEST REMODELING LLC	701.510(3)	02/28/2024	3,000.00
133937	JZ503 LLC	701.510(2)	03/26/2024	1,000.00
133944	ISTINA CONSTRUCTION LLC	701.510(2)	04/08/2024	1,000.00
133945	4M CONSTRUCTION LLC	701.510(2)	03/15/2024	1,000.00
133955	WESLEY WOOD WORKS LLC	701.510(2)	03/26/2024	1,000.00

5 - HIRING AN UNLICENSED SUBCONTRACTOR

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133735	JESSER, JOHN THOMAS	701.026(2)	03/15/2024	3,000.00
133853	NORTH RIVER HOMES LLC	701.026(1)	03/06/2024	1,000.00
133876	CYPRESS HILL CARPENTRY SOLUTIONS INC	701.026(1)	03/13/2024	1,000.00
133928	TALON PRO CONSTRUCTION LLC	701.026(1)	03/27/2024	1,000.00

6 - FAILURE TO DELIVER RESIDENTIAL CONSTRUCTION NOTICES

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133935	LAMMERS, TREVOR ALAN	701.330(4)	03/21/2024	500.00
133963	CASCADE VIEW CONTRACTORS LLC	701.330(4)	03/27/2024	100.00

7 - SUSPENSIONS

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133684	RUSTIC BUILT LLC	701.102(2)(a)	02/22/2024	0.00
133704	GILBERT JR, JOSEPH JESSE	701.102(2)(a)	03/26/2024	0.00
133757	QUALITY FINISHERS INC	701.068(6)	02/14/2024	0.00
133770	TAYLORMADE CONCRETE & CONSTRUCTION LLC	701.102(2)(a)	02/07/2024	0.00
133772	OLSEN, TERRY LEE	701.102(2)(a)	02/07/2024	0.00
133776	CC HILL CONSTRUCTION LLC	701.102(2)(a)	02/08/2024	0.00
133779	WATSON CONSTRUCTION 81 LLC	701.102(2)(a)	02/08/2024	0.00
133781	UNION EXTERIORS LLC	701.068(6)	02/16/2024	0.00
133790	TS SIMMONS CONSTRUCTION LLC	701.102(2)(a)	02/12/2024	0.00
133819	WEST GHOST ENTERPRISES INCORPORATED	701.102(2)(a)	02/19/2024	0.00
133821	ROGERS CONCRETE LLC	701.102(2)(a)	02/22/2024	0.00
133825	GREEN VALLEY ACRES RANCH LLC	701.102(2)(a)	02/23/2024	0.00
133839	K & L CUSTOM CONSTRUCTION LLC	701.102(2)(a)	02/29/2024	0.00
133840	CONCRETE MASTERY LLC	701.102(2)(a)	02/29/2024	0.00
133849	BLUE SKY CONTRACTING LLC	701.102(2)(a)	03/26/2024	0.00
133855	MKC LLC	701.102(2)(a)	03/05/2024	0.00
133864	COASTAL CONSTRUCTION LLC	701.102(2)(a)	03/05/2024	0.00
133890	BURNETT, KENNETH MICHAEL	701.068(6)	03/12/2024	0.00
133896	ANDRI CONSTRUCTION LLC	701.098(1)(b)	03/13/2024	0.00
133927	MCCALLISTER, BILLY JOE	701.102(2)(a)	03/26/2024	0.00

CONSTRUCTION CONTRACTORS BOARD ENFORCEMENT CONSENT AGENDA

02/07/2024 - 04/10/2024

FINAL ORDERS (cont.)**7 - SUSPENSIONS (cont.)**

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133929	COLUMBIA BASIN FENCE COMPANY LLC	701.102(2)(a)	03/20/2024	0.00
133933	HITMAN CONSTRUCTION LLC	701.102(2)(a)	03/26/2024	0.00
133934	BURNETT, KENNETH MICHAEL	701.102(2)(a)	03/20/2024	0.00
133957	CONSTRUCT REAL ESTATE LLC	701.102(2)(a)	03/26/2024	0.00
133967	IRRIGATION SPECIALISTS INC	701.098(1)(b)	03/26/2024	0.00
133971	HITMAN CONSTRUCTION LLC	701.102(2)(a)	03/26/2024	0.00
133975	COLUMBIA BASIN FENCE COMPANY LLC	701.102(2)(a)	03/26/2024	0.00
133986	SLOVER, CHRISTOPHER LANE	701.102(2)(a)	04/02/2024	0.00
134131	HARTMANN, AARON EVERETT	025.750	04/01/2024	0.00

8 - OTHER

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133744	TRUE CLEEN LLC	701.106(1)(j)	02/14/2024	1,000.00
133782	END TIME TREE EXPERT LLC	701.305(2)	02/14/2024	200.00
133784	JIMENEZ II, JOSE ALFREDO	701.305(2)	02/14/2024	200.00
133846	SEA STARR HEATING & MORE INCORPORATED	701.098(1)(g)	03/01/2024	1,000.00
133921	BREWER, JOSHUA RYAN	701.305(1)	03/05/2024	500.00
133924	LAMMERS, TREVOR ALAN	701.305(2)	03/21/2024	500.00
134006	ALLAIN CONSTRUCTION COMPANY LLC	701.305(2)	04/04/2024	500.00
134011	TURBINE OVERHAUL PERFORMANCE SPECIALIST FIELD SERVICES LLC	701.098(1)(f)	04/05/2024	0.00
134013	BOXX MODULAR INC	701.098(1)(f)	04/05/2024	0.00
134014	ROGUE RENOVATIONS LLC	701.098(1)(f)	04/05/2024	0.00
134015	MURRAY PLUMBING AND HEATING CORPORATION	701.098(1)(f)	04/05/2024	0.00
134016	ARMSTRONG, SEAN DAVID	701.098(1)(f)	04/05/2024	0.00
134021	CASCADE FENCE CO INC	701.098(1)(f)	04/05/2024	0.00

9 - CRIMINAL / INJUNCTIONS / STOP WORK

<u>File #</u>	<u>Respondent</u>	<u>Cite</u>	<u>Date</u>	<u>Amount</u>
133623	BELT, NEAL DAVID	701.098(1)(i)	02/28/2024	0.00
133832	WIEGARDT III, JOHN LORENTZ	701.098(1)(i)	04/09/2024	0.00

Disclosing Conflicts of Interest

When met with a conflict of interest, there are different disclosure requirements depending on the nature of the public official's position.



**Members of the
Legislative Assembly**

Must announce publicly, pursuant to the rules of the house of which they are a member, the nature of the conflict before taking any action on the matter. [ORS 244.120(1)(a)]



Judges

Must be removed from the case giving rise to the conflict or must advise the parties of the nature of the conflict. [ORS 244.120(1)(b)]



**Any other appointed
official (including
public employees)**

Must notify their appointing authority, in writing, of the nature of the conflict and request that authority dispose of the matter giving rise to the conflict. The appointing authority shall designate an alternate to dispose of the matter or direct the official to dispose of it in a manner specified by the appointing authority. [ORS 244.120(1)(c)]



**Elected public officials
(other than legislators)
or appointed public
officials serving on a
board or commission**

Announce publicly the nature of the conflict of interest. Then:

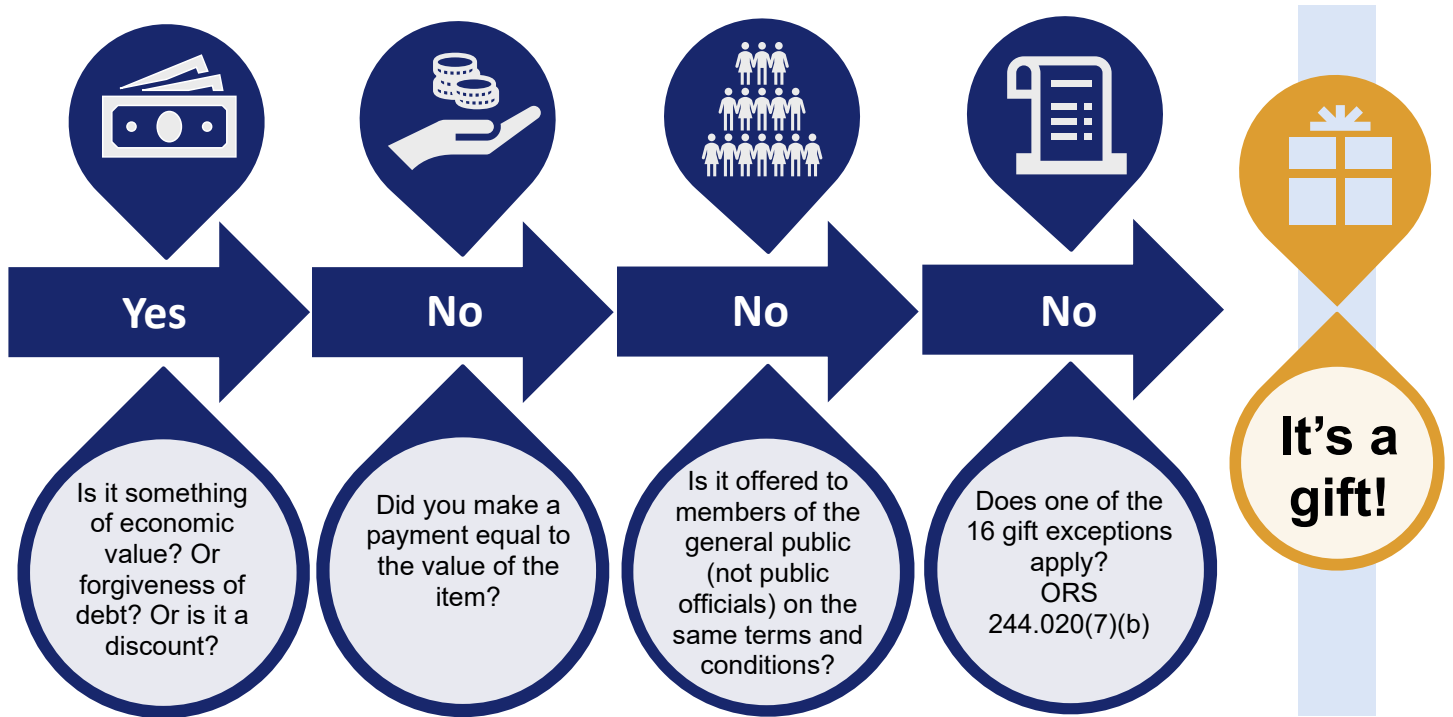
- If it is a potential conflict of interest, they may continue to participate in the discussion, debate or vote on the matter.
- If it is an actual conflict of interest, they must refrain from participating in any discussion, debate or vote on the matter. [ORS 244.120(2)].

Minimum Votes Exception: If a public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, an elected public official (or one serving on a board or commission) with an actual conflict of interest may be eligible to vote on the issue giving rise to their conflict of interest, but may not participate in any discussion or debate on the issue. [ORS 244.120(2)(b)(B)].

OGEC staff are available by phone or email to discuss how the minimum votes exception works. You can reach us at mail@ogec.oregon.gov or 503-378-5105.

Step 1: Is it a gift?

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



Step 2: Legislative or Administrative Interest?

Who is the source of the gift?

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

Does the source have a legislative or administrative interest?

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

What is the value of the gift?

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

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

Step 3: Can you accept the gift?



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

SOURCE OF GIFT...

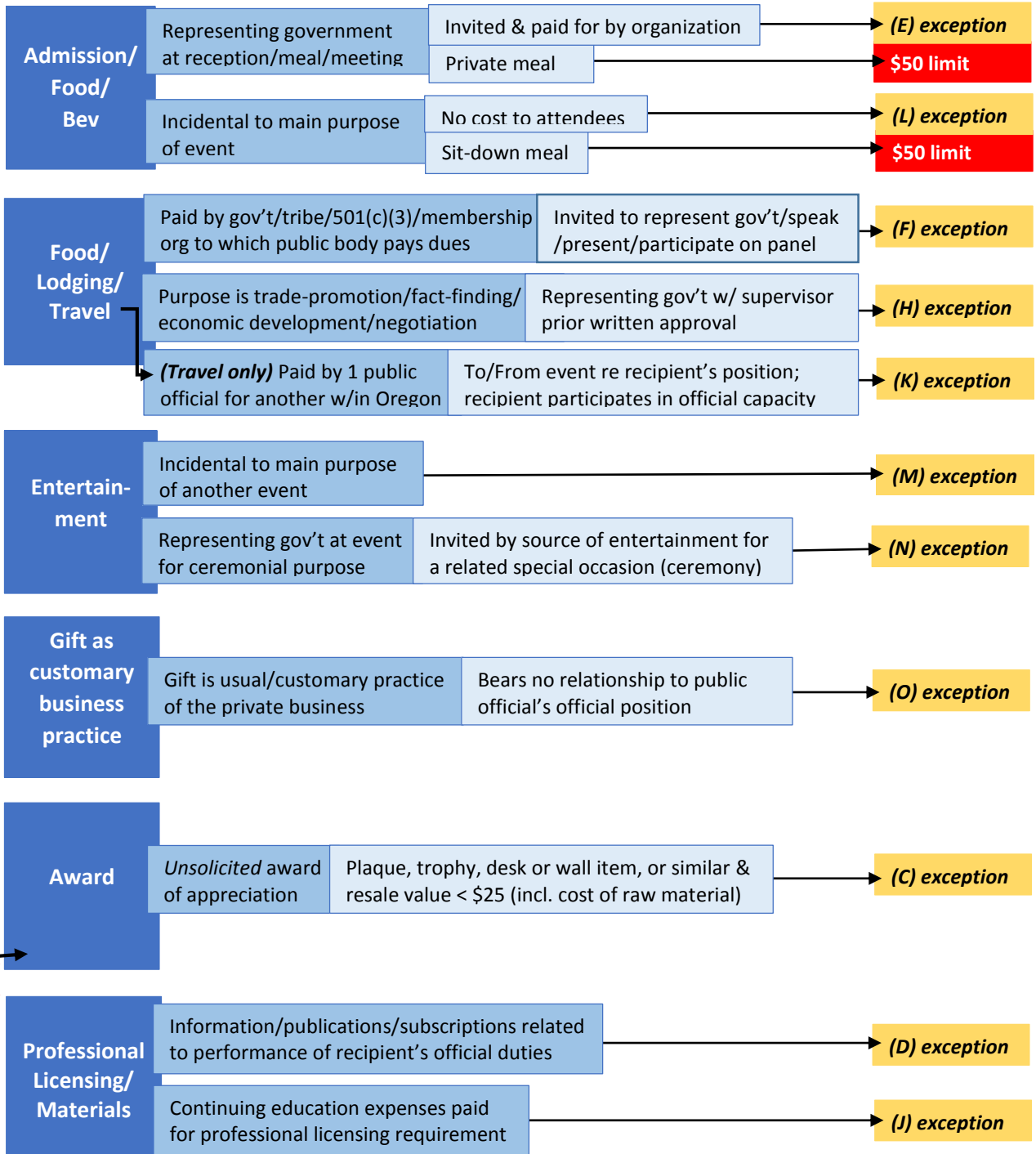
Has NO ECONOMIC INTEREST in matters subject to public official's official decision-making

\$50 GIFT LIMIT DOES NOT APPLY

HAS ECONOMIC INTEREST in matters subject to public official's official decision-making

\$50 LIMIT IF NO EXCEPTION APPLIES

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



**OREGON
GOVERNMENT ETHICS
COMMISSION**



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GOVERNMENT ETHICS LAWS OVERVIEW

<p>Prohibited Use of Position or Office (ORS 244.040)</p>	<p>Public officials are prohibited from using or attempting to use their public positions to obtain financial benefits for themselves, relatives, household members, or businesses with which any is associated, if the benefit would not be available but for the public official holding the position.</p>
<p>Financial Interest in Public Contract (ORS 244.047)</p>	<p>A person who ceases to be a public official may not have a direct beneficial financial interest in a public contract (defined at ORS 279A.010) for two years after the date of its authorization, if the person played a significant role in authorizing (<i>i.e.</i>, selecting, executing, recommending, or approving) that public contract as a public official.</p>
<p>Limits to Accepting Gifts (ORS 244.025; see ORS 244.020(10))</p>	<p>Public officials and their relatives are limited to accepting gifts (defined at ORS 244.020(7)) worth no more than an aggregate of \$50 in a given calendar year from any individual source reasonably known to have an economic interest in the public official’s decision-making.</p>
<p>Conflicts of Interest (ORS 244.020(1); ORS 244.020(13); ORS 244.120)</p>	<p>When a public official, in an official capacity, is faced with making a decision, recommendation, or other action that “<i>would</i>” or “<i>could</i>” financially affect the official, a relative, or business with which either is associated, the public official is faced with an “<i>actual</i>” or “<i>potential</i>” conflict. A conflicted <i>member of a governing body</i> must provide notice of the conflict by making a public announcement, and if the conflict is “<i>actual</i>” (<i>i.e.</i>, “<i>would</i>” financially affect...) must refrain from participation in the matter. <i>Most other public officials</i> must provide written notice to a supervisor/employer. Either type of notice must state the nature of the conflict. A written notice must additionally request that the supervisor/employer dispose of the matter.</p>
<p>Nepotism Prohibitions (ORS 244.177 – 179)</p>	<p>Public officials may not directly – or participate in any interview, discussion, or debate to – appoint, employ, promote, discharge, fire, or demote a relative or household member of the public official. Public officials are also prohibited from supervising relatives and household members.</p>

* *NOTE: The terms “business”, “business with which the person is associated”, “member of the household”, “public official”, and “relative” are defined at ORS 244.020(2), (3), (11), (15), and (16), respectively.*

DISCLAIMER: This document presents a brief overview of the most generally applicable Oregon Government Ethics duties and may not account for all relevant laws, exceptions or circumstances. It is ***intended for use as a training tool only and should not substitute for review of ORS Chapter 244 or consultation with an attorney or the Oregon Government Ethics Commission regarding application of the law in a specific situation.***

OREGON GOVERNMENT ETHICS LAW

A GUIDE FOR PUBLIC OFFICIALS



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DISCLAIMER

This guide has been approved by the Oregon Government Ethics Commission pursuant to ORS 244.320. ORS 244.320 requires this publication to explain in understandable terms the requirements of Oregon Government Ethics law and the Oregon Government Ethics Commission's interpretation of those requirements. Toward that end, statutes and rules have been summarized and paraphrased in this guide. The discussion in this guide should not be used as a substitute for a review of the specific statutes and rules.

There may be other laws or regulations not within the jurisdiction of the Commission that apply to actions or transactions described in this guide.

A penalty may not be imposed under ORS Chapter 244 for any good faith action taken in reliance on the advice in this guide. "In reliance on" the advice in this guide means that the fact circumstances of the action taken are the same fact circumstances that serve as the basis for advice in this guide.

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INTRODUCTION

In 1974, voters approved a statewide ballot measure to create the Oregon Government Ethics Commission (Commission). The measure established laws that are contained in Chapter 244 of the Oregon Revised Statutes (ORS).

When the Commission was established, it was given jurisdiction to implement and enforce the provisions in ORS Chapter 244 related to the conduct of public officials. In addition, the Commission has jurisdiction for ORS 171.725 to 171.785 and 171.992, related to lobbying regulations, and ORS 192.660 and 192.685, the executive session provisions of Oregon Public Meetings law.

This Guide for Public Officials includes a discussion of some provisions that may also apply to lobbying activities. This is especially true when a lobbying activity involves paying the expenses for meals, lodging, travel, entertainment or other financial benefits of a legislative or executive official. Under specific circumstances, ORS Chapter 244 allows the payment of such expenses, but the public official may have a reporting requirement under ORS Chapter 244 and the source of the payment may be required to register as a lobbyist or report the expenditure. The Commission publishes a guide for lobbyists and clients or employers of lobbyists regulated under provisions in ORS Chapter 171. If you have questions regarding registering as a lobbyist, lobbying activity or reports for lobbying expenditures, please refer to our Guide to Lobbying in Oregon, which is available on our website.

ORS 192.660 lists the specific criteria a governing body must use when convening an executive session. Under this statutory authority, executive sessions are limited to discussion of specific matters. This guide does not discuss that portion of the Oregon Public Meetings law, but there is a detailed discussion of executive sessions, as set out in ORS 192.660, in the Attorney General's Public Records and Meetings Manual, available on-line at <https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>

This guide will discuss how the provisions in ORS Chapter 244 apply to public officials and will summarize Commission procedures. It should be used in conjunction with applicable statutes and rules, but should not be used as a substitute for a review of the statutes and rules. It is intended to be a useful discussion, in understandable terms, of topics and issues that are often the focus of inquiries the Commission receives from public officials and citizens.

You will find links to ORS Chapter 244, ORS Chapter 171.725 to 171.785 and 171.992, ORS 192.660 and ORS 192.685, relevant Oregon Administrative Rules (OAR), and other publications referenced in this guide on the Commission's website at <https://www.oregon.gov/ogec/Pages/default.aspx>. Questions or comments may be submitted to the Commission by email at ogec.mail@oregon.gov, by telephone to 503-378-5105, or by fax to 503-373-1456.

JURISDICTION

The jurisdiction of the Oregon Government Ethics Commission is limited to provisions in ORS Chapter 244, ORS 171.725 to 171.785 and 171.992, and ORS 192.660 and 192.685. Other Oregon statutes may also regulate the activities of elected officials and public employees. Some examples are:



- The Elections Division of the Secretary of State's Office regulates campaign finance and campaign activities.
- Federal, state, or local law enforcement has jurisdiction over alleged criminal activity.
- The Oregon Bureau of Labor and Industries investigates cases involving employment-related sexual harassment or discrimination on the basis of race, religion, disability or gender.
- The initial enforcement of the Public Records law lies with County District Attorneys and the Department of Justice.
- Enforcement of the Oregon Public Meetings law lies with the Oregon Circuit Courts, except that the Commission also has jurisdiction over the execution session provisions in ORS 192.660 and 192.685.

There are occasions when a public official engages in conduct that may be viewed as "unethical," but that conduct may not be governed by Oregon Government Ethics law. The following are some examples of conduct by public officials that may not be within the authority of the Commission to address:

An elected official making promises or claims that are not acted upon.

Public officials mismanaging or exercising poor judgment when administering public money.

Public officials being rude or unmannerly.

A person's private behavior unrelated to their actions as a public official.

While the conduct described above may not be addressed in Oregon Government Ethics law, other statutes and public agency policies may prohibit or redress the behavior. Please contact the Commission staff if you need further clarification regarding how the Oregon Government Ethics law may apply to circumstances you may encounter.

PUBLIC OFFICIAL: AN OVERVIEW

The provisions in Oregon Government Ethics law restrict some choices, decisions or actions of a public official. The restrictions placed on public officials are different than those placed on private citizens because service in a public office is a public trust and the provisions in ORS Chapter 244 were enacted to provide one safeguard for that trust.

Public officials must know that they are held personally responsible for complying with the provisions in Oregon Government Ethics law. This means that each public official must make a personal judgment in deciding such matters as the use of official position for financial gain, what gifts are appropriate to accept, when to disclose the nature of conflicts of interest, and the employment of relatives or household members. If a public official fails to comply with the operative statutes, a violation cannot be dismissed by placing the blame on the public official's government employer or the governing body represented by the public official.

One provision, which is the cornerstone of Oregon Government Ethics law, prohibits public officials from using or attempting to use their official positions or offices to obtain a financial benefit for themselves, relatives or businesses with which they are associated if that financial benefit or opportunity for financial gain would not otherwise be available but for the position or office held.

Oregon Government Ethics law limits and restricts public officials and their relatives as to gifts they may solicit or accept. Under specific circumstances, public officials may accept certain gifts. This guide will discuss those provisions. Public officials are allowed to receive salary and reimbursed expenses from their own government agencies.

Another provision that frequently applies to public officials when engaged in official actions is the requirement to disclose the nature of conflicts of interest. This guide will discuss the definition of a conflict of interest, the distinction between actual and potential conflicts of interest, and describe how a public official must disclose and dispose of a conflict of interest.

For some public officials who are elected to offices or hold other select positions, there is a requirement to file an Annual Verified Statement of Economic Interest. This guide will discuss that filing requirement.

It is important for both public officials and members of the general public served by public officials to know that the provisions in Oregon Government Ethics law apply to the actions and conduct of individual public officials and not to the actions of state and local governing bodies or government agencies. Each individual public official is personally responsible for complying with provisions in ORS Chapter 244. Before taking official action, making a decision, participating in an event, or accepting a gift that may raise potential ethics law violations, each public official must make a personal judgment. The Commission staff is available to discuss the issues and offer guidance in making such judgments.

The statutes and rules discussed or illustrated in this guide do not and cannot address every set of circumstances a public official may encounter. Since compliance is the personal responsibility of each public official, public officials need to familiarize themselves with the wide variety of resources that offer information or training on the provisions in Oregon Government Ethics law.

In addition to the statutes in ORS Chapter 244 and the Oregon Administrative Rules (OAR) in Chapter 199, see <https://www.oregon.gov/ogec/Pages/default.aspx>, the Commission's website, which offers information, training and links to this guide, ORS Chapter 244 and OAR Chapter 199. The Commission offers a variety of free training resources and many government agencies also offer internal training to their employees or the agencies may request training from the Commission's trainers. There are a number of membership organizations, such as The League of Oregon Cities, Association of Oregon Counties, Oregon School Boards Association and the Special Districts Association of Oregon, that provide training to public officials. It is imperative for government agencies or organizations that employ or represent public officials to ensure their public officials receive training in Oregon Government Ethics law. Those that fail to provide this training do a disservice to the public officials who they employ or who represent them.



A PUBLIC OFFICIAL

Are you a public official?

“Public official” is defined in ORS 244.020 as the First Partner and any person who, when an alleged violation of ORS Chapter 244 occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

There are approximately 200,000 public officials in Oregon. You are a public official if you are:

- The First Partner, defined as the spouse, domestic partner or an individual who primarily has a personal relationship with the Governor.
- Elected or appointed to an office or position with a state, county, regional, or city government.
- Elected or appointed to an office or position with a special district.
- An employee of a state, county, city, intergovernmental agency or special district.
- An unpaid volunteer for a state, county, regional, city, intergovernmental agency, or special district.
- An agent of the State of Oregon or any of its political subdivisions.

The Commission has adopted, by rule, additional language used to clarify the use of “agent” in the definition of “public official.” The following clarification is in OAR 199-005-0035(7):

As defined in ORS 244.020(15), a public official includes the First Person and anyone serving the State of Oregon or any of its political subdivisions or any other public body in any of the listed capacities, including as an “agent.” An “agent” means any individual performing governmental functions. Governmental functions are services provided on behalf of the government as distinguished from services provided to the government. This may include private contractors and volunteers, depending on the circumstances. This term shall be interpreted to be consistent with Attorney General Opinion No. 8214 (1990).

If I am a volunteer, does that make me a public official?

The Commission recognizes that there are those who volunteer to work without compensation for many state and local government agencies, boards, commissions and special districts. Volunteers may be elected, appointed or selected by the government agency or public body to hold a position or office or to provide services. Among the public officials who volunteer, there are elected or appointed members of state boards or commissions, city councils, planning commissions, fire district boards, school district boards, and many others. There are also many who apply and are selected to perform duties for a government agency, board or commission without compensation, such as firefighters, reserve law enforcement officers, and parks or recreation staff members.

If the position for which you have volunteered serves the State of Oregon or any of its political subdivisions or any other public body, irrespective of whether you are compensated, you are a public official.

How are relatives and household members of public officials affected by Oregon Government Ethics law?

Public officials must always comply with state law when participating in official actions that could result in personal financial benefits and also when participating in official actions that could result in financial benefits for a relative or household member. Public officials should also know there may be limits and restrictions on gifts their relatives or household members may accept when offered.

There are provisions in ORS Chapter 244 that restrict or prohibit a public official from using or attempting to use official actions of the position held to benefit a relative or household member, limit the value of financial benefits accepted by a relative or household member of the public official, or require the public official to disclose the nature of a conflict of interest when a relative may receive a financial benefit. There are provisions that place restrictions on a public official regarding the employment or supervision of a relative or household member. These provisions are discussed more comprehensively in the use of position or office section starting on page 17, the gifts section starting on page 26, the conflicts of interest section starting on page 11, and the nepotism section starting on page 35.

Who is a relative?

Public officials need to know how Oregon Government Ethics law defines a “relative.” In everyday conversation the term “relative” is applied to a spectrum of individuals with “family ties” broader than those defined as relatives in ORS 244.020(16). When a provision in ORS Chapter 244 refers to “relative,” it means one of the following:

- The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;
- The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of

- the spouse of the public official or candidate;
- Any Individual for whom the public official or candidate has a legal support obligation
- Any Individual for whom the public official provides benefits arising from the public official's public employment
- Any Individual from whom the public official or candidate receives benefits arising from the individual's employment.

For purposes of the last two bulleted items, examples of benefits may include, but is not limited to, elements of an official compensation package such as insurance, tuition or retirement benefits.

Who is a “member of the household”?

Public officials need to know how Oregon Government Ethics law defines “member of the household” because there are provisions in ORS Chapter 244 that prohibit a public official from using or attempting to use their official position to financially benefit a member of their household.

A “member of the household” is any person who resides with the public official or candidate. [ORS 244.020] This definition includes any individual who resides in the same dwelling as the public official, regardless of whether that individual pays rent or not, and regardless of whether that individual is a relative or not.

What is a business with which a person is associated?

There are provisions in ORS Chapter 244 that restrict or prohibit a public official from using their position to benefit a business with which the public official or the public official's relative or household member is associated. Other provisions also require the public official to disclose the nature of a conflict of interest when their official actions would or could financially impact a business with which the official or their relative is associated.

As with the definition of relative, public officials need to know how Oregon Government Ethics law defines what a “business” is and how it defines a “business with which the person is associated.” The same sound judgment a public official exercises when participating in actions that could result in a financial benefit to the public official or a relative of the public official should be used when participating in actions that could result in a financial impact to a business with which the public official or the official's relative is associated.

ORS 244.020(2) provides the definition of a “**business**” for the purposes of the application of Oregon Government Ethics law. A “business” is a self-employed individual and any legal entity that has been formed for the purpose of producing economic gain.

- Excluded from this definition are income-producing corporations that are not-for-profit and tax exempt under section 501(c) of the Internal Revenue Code, if a public

official or a relative is associated only as a member, as a member of the board of directors, or in another unpaid position.

Example: An elected County Commissioner is a member of a credit union that operates without profit and is tax exempt under section 501(c) of the Internal Revenue Code. Because the public official is associated with the credit union only as a member, the credit union is not considered a “business” under the definition in Oregon Government Ethics law.

Example: The son of an elected city councilor is a teller employed by a credit union that operates without profit and is tax exempt under section 501(c) of the Internal Revenue Code. Because the public official’s relative is a paid employee of the credit union, the city councilor’s association with the credit union does not meet the exclusion above, and the credit union would be considered a “business” under the definition in Oregon Government Ethics law.

- Also excluded from the definition of business are entities, such as state and local governments or special districts, which are not formed for the purpose of producing income.

Example: An advisory board for the Department of Education awards grants to county, city or other local government entities. The advisory board’s members include public officials who are employed by a city police department and by a local fire district. These public officials would not have conflicts of interest when awarding grants to the city or to the fire district, because these government entities do not meet the statutory definition of a “business.”

Once a public official determines that an entity qualifies as a “business,” the public official must also determine if it is a “business with which the person is associated.” In accordance with ORS 244.020(3), a business is a “**business with which the person is associated**” for a public official or the relative or household member of the public official in any of the following circumstances:

- When a person, or their relative is a director, officer, owner, employee or agent of a private business or a closely held corporation.

Example: The Eugene City Recorder is a public official and her daughter is the president and owner of a private landscaping business. That business would be “a business with which the City Recorder’s relative is associated.”

- When a person or their relative currently holds, or held during the preceding calendar year, stock, stock options, an equity interest or debt instrument worth \$1,000 or more in a **private business or closely held corporation**.

Example: The Mayor of Seaside’s brother currently holds an equity interest of more than \$1,000 in a private business owned by a college friend. This would be a “business with which the Mayor’s relative is associated.”

- When a person or their relative currently owns, or has owned during the preceding calendar year, stock, stock options, an equity interest, or debt instruments of \$100,000 or more in a **publicly held corporation**.

Example: The procurement officer for the City of Portland recently inherited stock worth \$110,000 in Nike, which is a publicly held corporation. Nike is a “business with which the procurement officer is associated.”

- When a person or their relative is a director or officer of a **publicly held corporation**.

Example: A Planning Commissioner for Washington County is the son of a member of the Board of Directors for Intel, a publicly held corporation. Intel is a “business with which the Planning Commissioner’s relative is associated.”

- When a public official is required by ORS 244.050 to file an Annual Verified Statement of Economic Interest and the business is required to be listed as a source of household income, per ORS 244.060.

Example: A Bend city councilor is required to file an Annual Verified Statement of Economic Interest (SEI). A member of the city councilor’s household, not a relative, is a paid employee of a private business. The private business which employs the household member would be a “business with which the city councilor is associated” if it provides 10% or more of the councilor’s annual household income.



CONFLICTS OF INTEREST

How does a public official know when they are met with a conflict of interest and, if met with one, what must they do?

Oregon Government Ethics law identifies and defines two types of conflicts of interest. An **actual conflict of interest** is defined in ORS 244.020(1) and a **potential conflict of interest** is defined in ORS 244.020(13). In brief, a public official is met with a conflict of interest when participating in official action which would or could result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either is associated.



The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “**would**” and “**could.**” A public official is met with an **actual** conflict of interest when the public official participates in an official action, decision, or recommendation that **would** affect the financial interest of the official, their relative, or a business with which they or their relative is associated. A public official is met with a **potential** conflict of interest when the public official participates in an official action, decision, or recommendation that **could** affect the financial interest of the official, their relative, or a business with which they or their relative is associated. The following hypothetical circumstances are offered to illustrate the difference between actual and potential conflicts of interest and what is not a conflict of interest:

- **POTENTIAL CONFLICT OF INTEREST:** A school district has decided to construct a new elementary school and the school board is at the stage of developing criteria for the construction bid process. A recently elected school board member’s son owns a construction company in town. The school board member would be met with a potential conflict of interest when participating in official actions to develop the bid criteria, because the official actions she takes **could** financially impact her son’s construction company, a business with which her relative is associated.
- **ACTUAL CONFLICT OF INTEREST:** A school district is soliciting bids for the construction of a new elementary school. The bid deadline was last week and the district Superintendent has notified the school board that there are four qualified bids and the school board will be awarding the bid to one of the four bidders at their upcoming meeting. One of the qualified bids was submitted by the construction company owned by a school board member’s son. The school board member would be met with an actual conflict of interest when awarding this bid because the effect of her decision **would** have a financial impact (either positive or negative) on her son’s construction company, a business with which her relative is associated.

- **NO CONFLICT OF INTEREST:** A school district is soliciting bids for the construction of a new elementary school. One of the qualified bids was submitted by a construction company owned by a board member's best friend but neither the board member nor any relative are associated with the construction company. The school board member would **not** be met with a conflict of interest when awarding this bid because the effect of her official decision **would not or could not** have a financial impact on herself, a relative, or a business with which she or her relative is associated.

What if I am met with a conflict of interest?

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described below:

Legislative Assembly:

Members must announce the nature of the conflict of interest in a manner pursuant to the rules of the house in which they serve. The Oregon Attorney General has determined that only the Legislative Assembly may investigate and sanction its members for violations of conflict of interest disclosure rules in ORS 244.120. [49 Op. Atty. Gen. 167 (1999) issued on February 24, 1999]

Judges:

Judges must remove themselves from cases giving rise to the conflict of interest or advise the parties of the nature of the conflict of interest. [ORS 244.120(1)(b)]

Public Employees:

Public officials who are hired as public employees, agents, or who volunteer with their public bodies must provide **written notice** to the person who appointed or employed them (their "appointing authority"). The notice must describe the nature of the conflict of interest with which they are met and request that their appointing authority dispose of the conflict. This written disclosure to the appointing authority satisfies the requirements of ORS 244.120 for the employee. The appointing authority must then designate an alternate person to handle the matter or direct the public official in how to dispose of the matter. [ORS 244.120(1)(c)]

Example of Disclosure and Disposal: A County employee's job includes issuing building permits. An application concerns property owned by the employee's stepfather. The employee would be met with a conflict of interest and would need to make a written disclosure of his conflict to his appointing authority, in this case his department supervisor, and ask that the supervisor dispose of the conflict. Once the employee makes the written disclosure, he has complied with the conflict of interest statute. Upon receipt of a written disclosure from an employee, the supervisor must respond by either delegating an alternative person to handle the matter or directing the public official in how to dispose of the matter. **Note:** If the supervisor directs the public official to dispose of the conflict by handling his

relative's permit the same as any other permit, the supervisor could be asking an employee to take official actions that may violate the prohibited use of position statute, ORS 244.040(1). See page 17.

Elected Officials or Appointed Members of Boards and Commissions:

Elected officials (other than legislators) and those appointed to Boards and Commissions must publicly announce the nature of the conflict of interest before participating in any allowable official action on the issue giving rise to the conflict of interest. [ORS 244.120(2)(a) and ORS 244.120(2)(b)] The announcement must be made in a public meeting, or if no public meeting is available, by other means reasonably determined to notify members of the public of the public official's disclosure. For elected officials who do not hold regular public meetings, such as a Sheriff, District Attorney, or the Secretary of State, other means of compliance could be through a press release or by posting the disclosure on the public body's website.

- **Potential Conflict of Interest:** Following the public announcement of the nature of a potential conflict of interest, elected officials (other than legislators) and those appointed to Boards and Commissions, may participate in official action on the issue that gave rise to the conflict of interest.

Example: A city has decided to solicit bids to develop a new computer system and the city councilors are developing criteria for the bid process. A city councilor's brother works for an IT firm in town. The councilor would be met with a **potential** conflict of interest when participating in official actions to develop the bid criteria, because the official actions she takes **could** financially impact her brother's employer, a business with which her relative is associated. The councilor should publicly disclose the nature of her conflict of interest at the council meeting when the development of bid criteria comes up for consideration. Following the public disclosure, she may continue to participate in discussions and votes on the issue.

- **Actual Conflict of Interest:** Following the public announcement of the nature of an actual conflict of interest, the public official must ordinarily refrain from further participation in official action on the issue that gives rise to the conflict of interest. [ORS 244.120(2)(b)(A)]

Example: The city council is meeting to award a bid for a new IT project. Qualified bidders include a company that employs a city councilor's brother. The city councilor has an **actual** conflict of interest because the effect of her decision **would** have a financial affect, whether positive or negative, on a business with which her brother is associated. The city councilor must publicly announce the nature of her conflict of interest at the meeting and then refrain from any discussion or vote on the matter.

Exception: If a public official is met with an actual conflict of interest and the public official's vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement of their conflict of interest and refrain from any discussion or debate, but may participate in the vote required for official action by the governing body. [ORS 244.120(2)(b)(B)]

Example: In the scenario above, the city councilor would be met with an actual conflict of interest. The city council has 5 members and it takes 3 votes for board action. At the time of this meeting, one seat is vacant, another member is absent, and the member with the actual conflict is present, but conflicted, leaving the city council without the requisite 3 votes to take action. In this instance, following her public disclosure, the conflicted city councilor must refrain from any discussion or debate on the issue, but she may vote in order for the council to take action. Alternatively, the council may choose to delay the vote until a later meeting when more city councilors are present.

The following circumstances may exempt a public official from the requirement to make a public announcement or give a written notice describing the nature of a conflict of interest:

- If the conflict of interest arises from a membership or interest held in a particular business, industry, occupation or other class **and** that membership is a prerequisite for holding the public official position. [ORS 244.020(13)(a)]

Example: The Oregon Medical Board requires that one Board member must be a practicing physician, any official action taken by the physician board member that affects all physicians to the same degree would be exempt from the conflict of interest requirements. The physician Board member need not disclose a conflict of interest and may participate in taking official action on the issue.

- If the financial impact of the official action would impact the public official, their relative, or a business with which they or their relative is associated, to the same degree as other members of an identifiable group or "class." The Commission has the authority to identify a group or class and determine the minimum size of that "class." [ORS 244.020(13)(b) and ORS 244.290(3)(a)] The number of persons affected **to the same degree** as the public official will help to determine whether this exception applies.

Only the Commission may determine whether a "class" exemption exists. A written request must be made to the Commission to make that determination in advance. If a public official determines that a "class" exception applies in their situation, without benefit of Commission advice, the Commission may later determine that a "class" exception does not apply to the situation, and could find a violation.

Example: A city council is considering a change to the local transient lodging tax collected and remitted to the city by hotels and motels. One of the city councilors owns a motel. The effect of official actions taken by the city councilor concerning this tax would impact all motel owners within the city. The Commission may determine that the city councilor is part of an identifiable group or “class” of 200 city motel/hotel owners, who would be affected to the same degree and thus exempt from the conflict of interest disclosure and participation restrictions.

Example: A city council is considering a change to the local transient lodging tax collected and remitted to the city by motels. One of the city councilors is a motel owner. The effect of official actions taken by the city councilor concerning this tax would impact all motel owners within the city. The Commission declined to find that the class exemption applies due to the size of the “class” because there are only 3 motels in the city, 2 of which are owned by the councilor. The class exemption would not apply in these circumstances and the councilor must comply with the conflict of interest disclosure and participation restrictions.

Example: A city council is considering a proposal to construct a by-pass route around the city’s business district. The city’s business district includes many businesses and restaurants, including a coffee shop owned by one of the city councilors and a drive-thru espresso stand owned by another resident. The effect of the by-pass would not affect all business owners in the city to the same degree. The class exemption would not apply in these circumstances and the councilor who owns the coffee shop must comply with the conflict of interest disclosure and participation restrictions.

- If the conflict of interest arises from a directorship on the board of, or membership in, a nonprofit corporation that is tax-exempt under 501(c) of the Internal Revenue Code. [ORS 244.020(13)(c)]

Example: A city councilor is also a board member of the local YMCA, a tax-exempt 501(c) organization. The decision, as a city councilor, to award a grant to that YMCA would be exempt from the conflict of interest disclosure and participation restrictions. [ORS 244.020(13)(c)]

How is the public announcement or written disclosure of the nature of a conflict of interest recorded?

- The public body served by the public official is required to record the disclosure of the nature of the conflict of interest in the public body’s official records (e.g. personnel file, meeting minutes, audio/video recording). It is to the public official’s benefit to ensure their conflict disclosure is recorded in their public body’s records. [ORS 244.130(1)]

Is a public official required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon?

Each time a public official is met with a conflict of interest, the nature of the conflict must be disclosed.

- For example, an elected member of the city council when met with a conflict of interest would have to make the public announcement one time, but only one time, **in each meeting** of the city council when the matter was raised. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.
- Public officials who are employees would need to submit separate written notices on each occasion when a conflict of interest arises. As an example, an employee in a city planning department would have to give a separate written notice before each occasion when they needed to take an official action involving property owned by a relative. [ORS 244.120(3)]

If a public official failed to announce the nature of a conflict of interest and participated in official action, is the official action voided?

- **No.** Any official action that is taken may not be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest. [ORS 244.130(2)] Even though the action may not be voided, the public official could face potential personal liability for the violation.



USE OF POSITION OR OFFICE

What are the provisions of law that prohibit a public official from using the position or office held for financial gain or avoidance of financial detriment?

ORS 244.040(1) prohibits every public official from using or attempting to use the position held as a public official to obtain a financial benefit, if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official. The prohibited financial benefit can be either an opportunity for personal financial gain or an opportunity to avoid incurring a personal expense.



Not only is a public official prohibited from using the position as a public official to receive personal financial benefits, but the public official is prohibited from using or attempting to use their position as a public official to obtain financial benefits for a relative or a member of the public official's household. Also prohibited is using or attempting to use the public official's position to obtain financial benefits for a business with which the public official, a relative, or a member of the public official's household is associated.

There are a variety of actions that a public official may take or participate in that could constitute the prohibited use or attempted use of the public official's position. The use of a position could be voting in a public meeting, placing a signature on a government agency's document, making a recommendation, making a purchase with government agency funds, or using a government agency's time or resources (computers, vehicles, machinery) to obtain a personal financial benefit or avoid a personal cost.

The following examples are offered to illustrate what may constitute prohibited use or attempted use of office or position. Please note that this is not an exhaustive list:

- The mayor of a city signs a contract obligating the city to pay for janitorial services provided by a business owned by the mayor's relative.
- An executive director of an agency is ordering 10 new laptops for the agency, which qualifies for a bulk purchase discount of \$150 per laptop. He adds 2 laptops for his family to the agency's order to personally take advantage of the discount, and then reimburses the agency for the discounted cost of his personal laptops.
- A city billing clerk alters water use records so that the amount billed to the clerk's parents will be less than the actual amount due.
- A volunteer firefighter borrows the fire district's power washer to prepare the exterior of the volunteer's personal residence for painting.
- A county public works employee stores a motor home that is owned by the employee's parents in a county building used for storing heavy equipment.
- An employee of a state agency has a private business and uses the agency's computer to conduct the activities of the private business.

- A county commissioner uses the county's pickup truck to haul his own personal boat to and from his vacation home.
- A school district superintendent hires her sister's consulting business to provide an in-service training to teachers in her district.
- A teacher solicits her students' parents to hire her for paid tutoring services.

NOTE: While these examples are offered to illustrate the use of a public official's position prohibited by ORS 244.040(1), the examples illustrate occasions where a public official may also be met with a conflict of interest as defined in ORS 244.020(1) and (13). The provisions in ORS 244.040 apply regardless of whether a public official has properly disclosed a conflict of interest. [ORS 244.040(7)]. For further information, refer to the detailed discussion of conflicts of interest starting on page 11.

There are some additional prohibitions on how current and even former public officials use their offices or positions.

- ORS 244.040(3) prohibits a public official from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the public official's vote, official action or judgment.
- Public officials often have access to or manage information that is confidential and not available to members of the general public. ORS 244.040(4) specifically prohibits public officials from using or attempting to use confidential information gained because of the position held to further their own personal gain.
- ORS 244.040(5) prohibits a **former** public official from attempting to use confidential information for **any** person's financial gain if that confidential information was obtained while holding the position as a public official, from which access to the confidential information was obtained.
- ORS 244.040(6) also has a single provision to address circumstances created when public officials, who are members of the governing body of a public body, own or are associated with a specific type of business. The type of business is one that may occasionally send a representative of the business to appear before the governing body on behalf of a client for a fee. Public officials who are members of governing bodies and who own or are employed by businesses, such as a law, engineering, or architectural firm, may encounter circumstances in which this provision may apply.

Example: A member of a city council is an architect. A client developer of the architect's firm has a proposed subdivision to be approved by the city council. The architect/councilor may not appear before the city council on behalf of the client developer. Another person from the architect's firm may represent the client developer before the city council, but not the architect/councilor.

Aside from ORS 244.040, are there other prohibitions on public officials using their positions to avoid a personal financial detriment?

Yes. ORS 244.049 prohibits a holder of public office or candidates for public office from using public moneys or moneys received from a third party to make payments in connection with a non-disclosure agreement relating to workplace harassment if the alleged harassment occurred when the holder of public office or candidate was acting in that capacity. This prohibition applies to a person holding, or a candidate for, any elected state, county, district, city office or position.

Are there any circumstances in which a public official may use their position to accept financial benefits that would not otherwise be available but for holding the position as a public official?

Yes. ORS 244.040(2) provides a list of financial benefits that would not otherwise be available to public officials but for holding the position as a public official. The following financial benefits are not prohibited and may be accepted by a public official, and some may also be accepted by a public official's relative or member of the public official's household:

Not Prohibited:

- **Official Compensation:** Public officials may accept any financial benefit that is identified by the public body they serve as part of the “official compensation package” of the public official. If the public body identifies such benefits as salary, health insurance or various paid allowances in the employment agreement or contract of a public official, those financial benefits are part of the “official compensation package.” [ORS 244.040(2)(a)]



OAR 199-005-0035(3) provides a definition of “official compensation package”:

An “official compensation package” means the wages and other benefits provided to the public official. To be part of the public official's “official compensation package”, the wages and benefits must have been specifically approved by the public body in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials. “Official compensation package” also includes the direct payment of a public official's expenses by the public body, in accordance with the public body's policies.

- **Reimbursement of Expenses:** A public official may accept payments from the public official's public body as reimbursement for expenses the public official has personally paid while conducting the public body's business. [ORS 244.040(2)(c)]



The “reimbursement of expenses” means the payment by a public body to a public official serving that public body, of expenses incurred in the conduct of official duties on behalf of the public body. Any such repayment must comply with any applicable laws and policies governing the eligibility of such repayment. [OAR 199-005-0035(4)]

If the payment of a public official’s personal expenses does not meet this definition, it may be a financial benefit prohibited or restricted by other provisions in ORS Chapter 244. There are occasions when someone will refer to the payment of a public official’s expenses by a person or entity other than the public official’s public body as a reimbursement of expenses. That is not the reimbursement of expenses as used in ORS 244.040(2)(c) and defined in OAR 199-005-0035(4).

- **Honoraria:** Most public officials are allowed to accept honoraria by ORS 244.040(2)(b) as defined in ORS 244.020(8). A public official must know how an honorarium is defined because there are many occasions when someone will offer them a financial benefit and call it an honorarium, but it does not meet the definition of honorarium in ORS 244.020(8).



For a payment to be defined as an honorarium, it must be made for a service, like a speech or other service rendered in connection with an event, for which no price is set and for which the public official required no fixed amount to be paid in return for providing the service. A payment or something of economic value given to a public official in exchange for services provided by the public official is an honorarium when the setting of the price has been prevented by custom or propriety.

A public official may not receive an honorarium when performing a service in the course of their duties as a public official. A public official may not accept honoraria if the value exceeds \$50, unless the honoraria is received for services performed in relation to the private profession, occupation, avocation, or expertise of the public official or candidate. [ORS 244.042(3)(a) and (b)].

Public officials must be sure, when they are offered a payment or something of economic value and it is referred to as an honorarium, that it does meet the definition in ORS 244.020(8). If it does not meet this definition, it may be a financial benefit prohibited or restricted by other provisions in ORS Chapter 244.

NOTE: The Governor, First Partner, Secretary of State, State Treasurer, Attorney General, and Commissioner of the Bureau of Labor and Industries are explicitly prohibited by ORS 244.042(4) from soliciting or receiving an honorarium, money or any other consideration for **any** speaking engagement or presentation.

- Awards for Professional Achievement: Public officials may accept an award, if the public official has not solicited the award, and the award is offered to recognize a professional achievement of the public official. [ORS 244.040(2)(d)]



Awards for professional achievement should not be confused with awards of appreciation, allowed by ORS 244.020(7)(b)(C), an honorarium allowed by ORS 244.040(2)(b), or gifts that are allowed or restricted by other provisions in ORS Chapter 244.

Awards for professional achievement are best illustrated by awards that denote national or international recognition of a public official's achievement, such as receipt of the Nobel Prize. These awards may also be offered by public or private organizations in the state that are meant to recognize a public official for a distinguished career, such as Oregon's Teacher of the Year award made by the Oregon Department of Education which includes a monetary prize and travel funds. Professional achievements recognized may be identified as a single accomplishment or an accomplishment achieved during a period of time, such as a calendar year or a public official's career upon retirement.

- Contributions to Legal Expense Trust Fund: There are provisions in ORS 244.209 that allow public officials to establish legal expense trust funds that are approved by the Commission. ORS 244.040(2)(h) allows a public official who has established this trust fund to solicit, accept and be the trustee for contributions to the established fund. This is discussed in a separate section of the Guide p.41.



- Certain Gifts: Public officials may accept some gifts without limitation on the quantity or aggregate value of gifts. Acceptance of these gifts does not constitute a prohibited use of office. See allowable gifts, page 33. [ORS 244.040(2)(e) to (g)]



PRIVATE EMPLOYMENT OF PUBLIC OFFICIAL

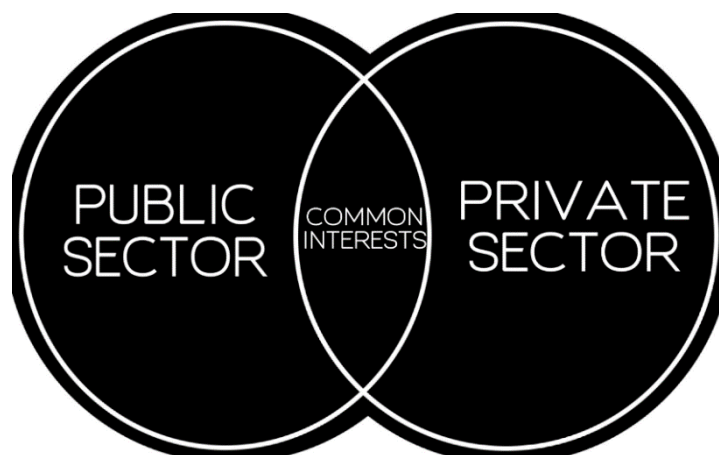
Does Oregon Government Ethics law prohibit a public official from owning a private business or working for a private employer while continuing employment with or holding a position with a public body?

No. As mentioned earlier, many public officials are volunteers, meaning there is little or no compensation for the public position. Other public officials may receive compensation from their public bodies, but still choose to seek additional sources of income. Some work for a private business and others establish a private business of their own. **NOTE: This guide does not address other statutes or agency policies that may limit private employment for public officials.**

In general, public officials may obtain employment with a private employer or engage in private income producing activity of their own, but they must keep a separation between their public positions and their outside employment or private business interests. The Commission has created the following guidelines for public officials to follow in order to avoid violating Oregon Government Ethics law when engaged in private employment or a personally owned business.

GUIDELINES FOR OUTSIDE EMPLOYMENT OF PUBLIC OFFICIALS

1. Public officials must not use their public position to create the opportunity for additional personal income.
2. Public officials may not use a government agency's supplies, facilities, equipment, employees, records or any other public resources to engage in their private employment or business interests.
3. Public officials are not to engage in private business interests or other employment activities on their government agency's time.
4. Confidential information gained as a public official is not to be used to obtain a financial benefit for the public official, a relative or member of the public official's household or a business with which any are associated.



EMPLOYMENT OF FORMER PUBLIC OFFICIALS

What are the restrictions on employment after I resign, retire or leave my public official position?

- ORS 244.040(1) prohibits public officials from using their official positions or offices to create a new employment opportunity; otherwise, most former public officials may enter the private work force with few restrictions.
- ORS 244.040(5) prohibits a former public official from using or attempting to use confidential information for the personal gain of any person if the confidential information was obtained while holding the position as a public official.
- Oregon Government Ethics law restricts the subsequent employment of certain public officials. The restrictions apply to positions listed below:

ORS 244.045(1) State Agencies:

Director of the Department of Consumer and Business Services
Administrator of the Division of Financial Regulation
Administrator of the Oregon Liquor Control Commission
Director of the Oregon State Lottery
Public Utility Commissioner

1. One year restriction on accepting employment from or gaining financial benefits from a private employer in the activity, occupation or industry that was regulated by the agency for which the public official was the Director, Administrator or Commissioner.
2. Two year restriction on lobbying, appearing as a representative before the agency, or otherwise attempting to influence the agency for which the public official was the Director, Administrator or Commissioner.
3. Two year restriction on disclosing confidential information gained as the Director, Administrator or Commissioner for the agency.

ORS 244.045(2) Department of Justice:

Deputy Attorney Generals
Assistant Attorney Generals

Two year restriction from lobbying or appearing before an agency that they represented while employed by the Department of Justice.

ORS 244.045(3) Office of the Treasurer:

State Treasurer
Deputy State Treasurer

1. One year restriction from accepting employment from or being retained by a private entity with which there was negotiation or contract awarding \$25,000 in a single year by the office of the State Treasurer or Oregon Investment Council.
2. One year restriction from accepting employment from or being retained by a private entity with which there was investment of \$50,000 in one year by the office of the State Treasurer or Oregon Investment Council.
3. One year restriction from being a lobbyist for an investment institution, manager or consultant, or from representing an investment institution, manager, or consultant, before the office of State Treasurer or Oregon Investment Council.

ORS 244.045(4) Public Officials who invested public funds:

1. Two year restriction from being a lobbyist or appearing before the agency, board or commission for which public funds were invested.
2. Two year restriction from influencing or trying to influence the agency, board or commission.
3. Two year restriction from disclosing confidential information gained through employment.

ORS 244.045(5) Department of State Police:

Member of State Police who has been designated by law and was responsible for supervising, directing or administering programs related to Native American tribal gaming or the Oregon State Lottery

1. One year restriction from accepting employment from or gaining financial benefit related to gaming from the Lottery or a Native American Tribe.
2. One year restriction from gaining financial benefit from a private employer who sells gaming equipment or services.
3. One year restriction from trying to influence the Department of State Police or from disclosing confidential information.

Exceptions include subsequent employment with the state police, appointment as an Oregon State Lottery Commissioner, Tribal Gaming Commissioner or lottery game retailer, or personal gaming activities.

ORS 244.045(6) Legislative Assembly
Representative
Senator

A person who has been a member of the Legislative Assembly, may not, within one year after ceasing to be a member of the Legislative Assembly, receive money or other consideration for lobbying as defined in ORS 171.725.

How would Oregon Government Ethics law apply when a former public official is employed by a business that has a contract with the public body previously represented by the former public official?



In addition to the restrictions on specific positions identified above, the restriction in ORS 244.047 applies to all former public officials. After a public official ceases serving a public body or being employed in a position as a public official, that public official may not have a direct beneficial financial interest in a public contract for two years after the date the contract was authorized by the person acting in their capacity as a public official.

Whether a public official authorizes a contract individually as an employee of a public body, or participated in the authorization of a contract in their official capacity as a member of a board, commission, council, bureau, committee or other governing body, the person is restricted from financially benefiting from that public contract for two years after the date of authorization. [ORS 244.047]

“Authorized by” is defined in OAR 199-005-0035(6) as follows:

As used in ORS 244.047, a public contract is “authorized by” a public official if the public official performed a significant role in the selection of a contractor or the execution of the contract. A significant role can include recommending approval or signing of the contract, including serving on a selection committee or team, or having the final authorizing authority for the contract.

GIFTS

Oregon Government Ethics law establishes restrictions on the value of gifts that can be accepted by a public official. If the source of a gift to a public official has a legislative or administrative interest in the decisions or votes of the public official, the public official can only accept gifts from that source when the aggregate value of gifts from that source does not exceed \$50 in a calendar year. [ORS 244.025].



The following framework of conditions applies when public officials, their relatives, or members of their households are offered gifts. To decide if a gift, or “something of value,” can be accepted with or without restrictions, the public official must analyze the offer and the source of the offer. As will be apparent in the following discussion, the burden of any decision on accepting a gift rests solely with the individual public official.

What counts as a “gift”?

When Oregon Government Ethics law uses the word “gift” it has the meaning in ORS 244.020(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.

In other words, a “gift” is something of economic value that is offered to:

- A public official or candidate or to relatives or members of the household of a public official or candidate,
- Without cost or at a discount or as a forgiven debt, and,
- The offer is not made or available to members of the general public who are not public officials, candidates, or their relatives or household members on the same terms and conditions.

Example: At a conference exclusively for city and county officials, a public official buys a raffle ticket and wins a big screen television. The television is a gift because the value of the television exceeds the cost of the raffle ticket and the opportunity to enter the raffle and win the television was not available to members of the general public on the same terms and conditions.

Example: Outside of a grocery store, a public official buys a raffle ticket from a local scout troop and wins a big screen television. The television is not a gift because, although the value of the television exceeds the cost of the raffle ticket, the opportunity to enter the raffle and win the television was available to members of the general public on the same terms and conditions.

Once a public official or candidate has determined that an offer is a gift, because it is something of economic value that is not offered to members of the general public who are not public officials or candidates on the same terms and conditions, the public official or candidate must then determine if the value of the gift, combined with any other gifts from the same source during the calendar year, exceeds \$50. If so, the public official must then determine if the source of the gift has a legislative or administrative interest.

Any discussion of gifts must begin with the reminder that if the source of a gift to a public official or candidate **does not** have a legislative or administrative interest in the decisions or votes of the public official or candidate if elected, the public official or candidate can accept unlimited gifts from that source. [ORS 244.040(2)(f)]

What is a “Legislative or Administrative Interest”?



Whether there is a legislative or administrative interest is pivotal to any decision a public official or a candidate, if elected, makes on accepting gifts. It will mean the difference between being allowed to accept gifts without limits, accepting gifts with an annual limit of \$50 on the aggregate value, or accepting gifts which are specified exceptions under ORS 244.020(7).

The definition of a legislative or administrative interest is set forth in ORS 244.020(10):

“‘Legislative or administrative interest’ means an economic interest, distinct from that of the general public, in:

(a) Any matter subject to the decision or vote of the public official acting in the public official’s capacity as a public official; or

(b) Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official.”

When analyzing a set of circumstances and applying “legislative or administrative interest,” there are several factors to consider:

Source: The Commission adopted a rule that identifies the source of a gift as the person or entity that makes the ultimate and final payment of the gift’s expense. OAR 199-005-0030 places two burdens on a public official who accepts gifts. The public official must know the identity of the source and, if applicable, avoid exceeding the limit on the aggregate value of gifts accepted from that source. [OAR 199-005-0030(2)]

Distinct from that of the general public:

With regard to gifts, this phrase refers to a distinct economic interest held by the source of a gift. That economic interest is in the financial gain or loss that could result from any votes cast or decisions made by a public official. If the source of a gift would realize a financial gain or detriment from matters subject to the vote or decision of a public official, that source has an economic interest in that public official. That economic interest is “distinct from that of the general public” if the potential financial gain or detriment is distinct from the financial impact that would be realized by members of the general public from the matters subject to votes or decisions of that same public official.



There are decisions or votes that have an economic impact on single individuals or individuals from specific businesses or groups that are distinct from the economic impact on members of the general public. On the other hand, there are many votes or decisions made by public officials that have the same general economic impact on individuals, businesses, organizations and members of the general public. Some examples of decisions or votes that would likely have an economic impact on members of the general public would be those that change water usage rates for residential users, fees for pet licenses, or fines for parking violations.

To illustrate, private contractors have an economic interest in any public official who has the authority to decide or vote to award them contracts. The economic interest of these contractors is distinct from the economic interest held by members of the general public in those decisions or votes.

To further illustrate, real estate developers have an economic interest in any public official who has the authority to decide or vote to approve their land use applications or building permits. The economic interest of these developers is distinct from the economic interest held by members of the general public in those decisions or votes.

Vote: This has the common meaning of to vote as an elected member of a

governing body of a public body or as an appointed member of a committee, commission or board appointed by a governing body, Oregon Legislative Assembly, or the Office of the Governor.

Decision: A public official makes a decision when the public official exercises the authority given to the public official to commit the public body to a particular course of action. [OAR 199-005-0003(2)].



Whether to accept or reject the offer of a gift must be made individually by each public official. There will be some public officials who may accept unlimited gifts from a source and other public officials within the same public body that would have restrictions on gifts have the same authority, responsibilities or duties. Some may vote and make decisions, others may do one but not the other, and many will not vote or make decisions. This means that when gifts are offered to two or more public officials, one public official may be allowed to accept the gift without limits, and another public official may not be able to accept the gift at all, or may only be able to accept it with limits as to value or with other restrictions.

Example: A cellular service provider offers a discounted cell-phone plan for first responders. The discounted plan is available only to first responders who work for state or local governments. Because the discounted cell-phone plan is not available to members of the general public on the same terms and conditions, it is a gift subject to the restrictions and limitations in ORS 244.025. First responders who are in positions to make official decisions for their agencies that could financially affect the cellular service provider, such as Fire Chiefs or board members, could not accept the discounted cell-phone plan since the discount totals more than \$50 in a calendar year; however, first responders who are not in positions to make official decisions for their agencies that could financially affect the cellular service provider could accept the discounted cell-phone plan.

What obligations are placed on the giver of a gift?

Sources who offer gifts or other financial benefits to public officials must also be aware of the provisions in ORS Chapter 244. While the specific gift of paid expenses may be allowed by ORS 244.020(7)(b)(F), ORS 244.100(1) requires the source of this gift, if over \$50, to notify the public official in writing of the aggregate value of the paid expenses. There is also a notice requirement in ORS 244.100(2) for the source of an honorarium when the value exceeds \$15. Lobbyists, clients or employers of lobbyists, and others who provide gifts or financial benefits to public officials should also familiarize themselves with the provisions in ORS 171.725 through ORS 171.992 and Divisions 5 and 10 of Chapter 199 in the Oregon Administrative Rules. The Commission has published a “Guide to Lobbying in Oregon” that provides a summary of these regulations and rules.

What gifts may a public official accept regardless of value?

While gifts from a source with a legislative or administrative interest in the decisions or

votes of a public official may only be accepted up to the \$50 limit, there are some gifts that are excluded from the definition of a “gift,” when offered under specific conditions or when prerequisites are met. If the offer of a gift is excluded from the definition of a “gift,” the offer may be accepted by a public official, regardless of value.

The value of gifts that are allowed as exclusions does not have to be included when calculating the aggregate value of gifts received from that source in one calendar year. [ORS 244.020(7)(b)] Although some gifts are allowed by these exclusions, it should be remembered that a source may have a notice requirement or there may be reporting requirements for the public official or the source. If you are a public official accepting gifts or a source offering gifts, it is important that you become familiar with the requirements that may apply to you.

ORS 244.020(7)(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. These exclusions include:

- Campaign contributions as defined in ORS 260.005. [ORS 244.020(7)(b)(A)]
- Contributions to a legal expense trust fund established under ORS 244.209. [ORS 244.020(7)(b)(G)]
- Gifts from relatives or members of the household of public officials or candidates. [ORS 244.020(7)(b)(B)]
- Anything of economic value received by a public official or candidate, their relatives or members of their household when:

The receiving is part of the usual and customary practice of the person’s business, employment, or volunteer position with any non-profit or for-profit entity; [ORS 244.020(7)(b)(O)(i)] **and**

The receiving bears no relationship to the person’s holding the official position or public office. [ORS 244.020(7)(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(7)(b)(C); OAR199-005-0010]
- Publications, subscriptions or other informational material related to the public official’s duties. [ORS 244.020(7)(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(7)(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(7)(b)(M); OAR 199-005-0001; OAR 199-005-0025]
- 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 government agency for a ceremonial purpose. [ORS 244.020(7)(b)(N); OAR 199-005-0025(2)]
- Cost of admission or food and beverage consumed by the public official, a relative of the public official, a member of the public official's household or staff when they are accompanying the public official, who is representing a government agency, at a reception, meal or meeting held by an organization. [ORS 244.020(7)(b)(E); OAR 199-005-0015; OAR 199-005-0001]
- 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(7)(b)(L); OAR 199-005-0001(3)]
- 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(7)(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(7)(b)(F); OAR 199-005-0020; OAR 199-005-0001]
- Payment of reasonable food, lodging or travel expenses for a public official, an accompanying relative, member of household, or staff, may be accepted when the public official is representing their government agency at one of the following: [ORS 244.020(7)(b)(H); OAR 199-005-0020; OAR 199-005-0001]
 - Officially sanctioned trade promotion or fact-finding mission; [ORS 244.020(7)(b)(H)(i)] **or**
 - Officially designated negotiation or economic development activity when receipt has been approved in advance. [ORS 244.020(7)(b)(H)(ii)]

[NOTE: Who may officially sanction and officially designate these events, and how to do so, is addressed in OAR 199-005-0020(3)(b).]

- Payment to a public school employee of reasonable expenses for accompanying students on an educational trip. [ORS 244.020(7)(b)(P)]
- Food and beverage when acting in an official capacity in the following circumstances: [ORS 244.020(7)(b)(I)]
 - In association with a financial transaction or business agreement between a government agency and another public body or a private entity, including such actions as a review, approval or execution of documents or closing a borrowing or investment transaction; [ORS 244.020(7)(b)(I)(i)]
 - When the office of the Treasurer is engaged in business related to proposed investment or borrowing; [ORS 244.020(7)(b)(I)(ii)]
 - When the office of the Treasurer is meeting with a governance, advisory or policy making body of an entity in which the Treasurer's office has invested money. [ORS 244.020(7)(b)(I)(iii)]

GIFTS AS AN EXCEPTION TO THE USE OF OFFICE PROHIBITION IN ORS 244.040

As covered in more detail in the discussion beginning on page 17, public officials are prohibited from using or attempting to use the position they hold to obtain a prohibited financial benefit. [ORS 244.040(1)] As covered in more detail in the discussion beginning on page 26, Oregon Government Ethics law does not prohibit public officials from accepting gifts, but it does place on each individual public official the personal responsibility to understand there are circumstances when the aggregate value of gifts may be restricted. [ORS 244.025] These provisions of Oregon Government Ethics law often converge and require analysis by public officials to determine whether the opportunity to obtain financial benefits represents the use of an official position prohibited by ORS 244.040(1) or a gift addressed with other provisions in ORS Chapter 244 [ORS 244.020(7), ORS 244.025 or ORS 244.040(2)(e),(f) and (g)].



ORS 244.040 was amended in 2007 to make the acceptance of gifts that comply with ORS 244.020(7) and ORS 244.025 exceptions to the prohibition on public officials' use or attempted use of an official position to gain financial benefits. [ORS 244.040(2)(e), (f) and (g)] If a public official, relative, or household member accepts a permissible gift or a financial benefit that qualifies as an exception to the definition of a gift, ORS 244.040(1) does **not** prohibit its acceptance. If a public official, relative, or household member accepts a gift that exceeds the restrictions or limitations set forth in ORS 244.025, then that gift would not qualify under the exceptions set forth in ORS 244.040(e), (f) and (g). Acceptance of that gift could constitute a violation of both ORS 244.025 and ORS 244.040(1).

When the Commission applies Oregon Government Ethics law to “something of economic value” offered to a public official that meets the definition of “gift,” it will first be analyzed to determine whether it is a violation of ORS 244.025. If the Commission determines that acceptance of the gift constitutes a violation of ORS 244.025 (unlawful acceptance of a gift), it will then determine if it also constitutes a violation of ORS 244.040(1) (prohibited use of office).

The following are examples to illustrate the Commission’s approach:

- The mayor of a town on the Oregon coast was a college roommate with Bob Smith, who now manages a company that owns many golf courses in Oregon and other states. One of the company’s golf courses is in the mayor’s town. The mayor and

Bob have remained friends ever since college. Recently, Bob invited the mayor to join him at the Masters' Tournament in Augusta, offering to fly him there on Bob's private jet, stay in Bob's condo, and host him at a private booth at the Tournament. The value of this trip exceeds \$50, and Bob has a legislative or administrative interest in the mayor's decisions as a public official, as one of Bob's golf courses is in the mayor's town. Since the value of the trip exceeds \$50, is not extended to others who are not public officials on the same terms and conditions, and is from a source with a legislative or administrative interest, it is a gift that the mayor cannot accept without violating ORS 244.025(1). It also does not qualify as an exception to ORS 244.040(1). [ORS 244.040(2)(e)]. Bob has been inviting his old college friend on this trip for at least 10 years, long before the friend was elected mayor recently. This and other evidence indicates that the mayor received this offer because he and Bob are friends, not because he is the town's mayor; therefore, the offer of this trip does not represent a financial gain that would not be available to the mayor but for his holding his public office. Thus, if the mayor accepted the gift of this trip, the mayor would violate ORS 244.025(1) (acceptance of an unlawful gift), but would not violate ORS 244.040(1) (prohibited use of office).

- A public works director for B City holds weekly breakfast meetings at a local diner. The public works director invites five main contractors in B City, all of whom do business with the city, to attend these meetings. The contractors take turns picking up the tab for the public works director's breakfast. Because the public works director has the authority to recommend the contractors for projects with the city, the contractors have economic interests distinct from that of the general public in the public works directors' decisions or recommendations. Over the course of a calendar year, each contractor pays for at least ten meals for the public works director, at a total aggregate cost exceeding \$50. These meals constitute unlawful gifts to the public works director, as their value exceeds \$50, they are not extended to others who are not public officials on the same terms and conditions, and they are from sources with distinct economic interests in the public works director's decisions or recommendations. The contractors would not pay for these meals if he were not the public works director. Thus, in addition to violating ORS 244.025(1), by accepting these meals the public works director also violates ORS 244.040(1).

The responsibility for judgments and decisions made in order to comply with the various provisions in Oregon Government Ethics law rests with the individual public official who faces the circumstances that require a judgment or decision. That is true of questions regarding gifts, use of an official position, announcing the nature of conflicts of interest and the many situations addressed in ORS Chapter 244.

NEPOTISM



Does Oregon Government Ethics law prevent two or more relatives from being employees of the same public body?

No. Public officials who are relatives can be employed by the same public body employer at the same time, or serve at the same time on the same governing body of a public body.

ORS Chapter 244 does, however, does address the issue of “nepotism.” The definitions of “member of household” and “relative” found in ORS Chapters 244.020(11) and 244.020(16) apply here: See page 7.

What are the provisions that address nepotism?

Public officials are restricted from participating in personnel actions taken by the public agency that would impact the *paid employment* of a relative or member of the public official’s household. If a public official has a relative or household member who has applied to be or serves as an *unpaid volunteer*, the public official may participate in any personnel action that involves the relative or member of the household.

Personnel actions addressed by this statute include:

- Appointing, employing or promoting a relative or member of the public official’s household; or
- Discharging, firing or demoting a relative or member of the public official’s household.

ORS 244.177(1)(a) provides that a public official may not appoint, employ or promote (or discharge, fire or demote) a relative or member of their 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 ORS Chapter 244. Even if the public official discloses a conflict of interest, a public official who takes such a personnel action for a relative or member of their household could still be found in violation of the use of office provisions of ORS 244.040(1).

Separately, ORS 244.177(1)(b) directs that a public official may not participate in any interview, discussion or debate regarding such personnel actions involving a relative or member of the public official’s household.

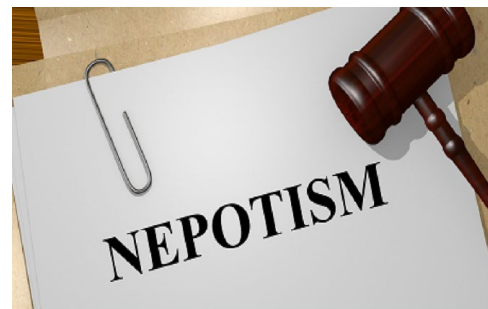
A public official who is assigned duties that include performing “ministerial acts” related

to any stage of a relative's employment is not prohibited from performing such acts. "Ministerial acts" would include mailing or filing forms or correspondence, taking and relaying messages, scheduling appointments or preparing documents and minutes for public meetings. A public official may serve as a reference or provide a recommendation for a relative who has applied for a position of employment, promotion, or is subject to any personnel action.

Exception: Public officials may not, however, participate in appointing a relative or member of the household to an unpaid position on the governing body of the public body that the public official serves or over which the public official exercises jurisdiction or control. [ORS 244.177(3)(a) and (b)]

Can public officials supervise their relatives or members of their households?

Nepotism also applies to supervision of relatives or members of the public official's household. ORS 244.179(1) prohibits public officials from directly supervising relatives or members of their household in paid positions. The public official may supervise an unpaid volunteer serving the public body, unless the volunteer position is as a member of a governing body of the public body. [ORS 244.179(3)]



Policy Exception: ORS 244.179(4) permits a public body to adopt policies that specify when a public official, acting in an official capacity for the public body, may directly supervise a relative or member of the public official's household in a paid position. OAR 199-005-0080 provides guidance to public bodies in developing such policies. Absent such a policy, a public official may not directly supervise a remunerated person who is a relative or member of the public official's household. [ORS 244.179(1)]

Direct supervision of a paid relative or household member includes official actions that would financially impact their relative or household member, such as:

- Conducting performance reviews
- Approving leave or vacation time
- Recommending or approving pay changes
- Assigning shifts
- Approving overtime
- Authorizing or approving reimbursements or travel expenses
- Authorizing worksite assignments or teleworking

Exception: Public officials who are elected members of the Oregon Legislative Assembly are not prohibited from participating in employment actions, including supervision of their relatives or household members on their personal staff [ORS 244.177(2)].

ANNUAL VERIFIED STATEMENT OF ECONOMIC INTEREST



There are approximately 5,500 Oregon public officials who must file an **Annual Verified Statement of Economic Interest (SEI)** with the Oregon Government Ethics Commission **by April 15** of each calendar year. The SEIs are now filed electronically through the Commission's Electronic Filing System (EFS).

ORS 244.050 identifies the public officials who are required to file SEIs. Please refer to that statute to see if your specific office or position requires you to file an SEI. In general, public officials who hold the following positions are required to file:

- State public officials who hold elected or appointed executive, legislative or judicial positions. This includes those who have been appointed to positions on certain boards or commissions.
- In counties, all elected officials, such as commissioners, assessors, surveyors, treasurers and sheriffs must file. Planning commission members and the county's principal administrator must also file.
- In cities, all elected officials, the city manager or principal administrator, municipal judges and planning commission members must file.
- Administrative and financial officers in school districts, education service districts and community college districts must file.
- Some members of the board of directors for certain special districts must file.
- Candidates for some elected public offices are also required to file.

The Commission staff has identified by jurisdiction the public officials whose position requires them to file the SEI. Each jurisdiction (city, county, executive department, board or commission, etc.) has a person (jurisdictional contact) who acts as the Commission's point of contact for that jurisdiction. [OAR 199-020-0005(1)]

The **jurisdictional contact (JC)** for each jurisdiction has an important role as a liaison between the Commission and the SEI filers in their jurisdiction. It is through the JC that the Commission obtains the current name, address and email address of each public official who is required to file. When there is a change in who holds a position through resignation, appointment or election, the JC periodically updates their jurisdictional records and beginning in January of each year the JC is asked to update and verify the required filers in the EFS system. Any necessary changes or updates in EFS are due by February 15. [OAR 199-020-0005(2)]

As with other provisions in Oregon Government Ethics law, it is each public official's personal responsibility to ensure they comply with the requirement to complete and submit the SEI by April 15. Those public officials who must file an SEI are well served if the JC for their jurisdiction ensures that the Commission has the correct name and email address of the public official. The JC should ensure that each SEI filer has been advised of the reporting requirements. Each filer should also receive information as to the procedures the jurisdiction follows to assist the filer in meeting the SEI filing requirement.

Again, the requirement to file the SEI is the personal responsibility of each public official. Each public official should comply and file timely, as the civil penalties for late filing are \$10 for each of the first 14 days after the filing deadline and \$50 for each day thereafter until the aggregate penalty reaches the maximum of \$5,000. [ORS 244.350(4)(c)]

SEI Filing

NOTE: Only public officials who hold a position that is required to file, and who hold that position on April 15 of the year the SEI is due, must file an SEI.

SEIs are filed online through the Commission's Electronic Filing System (EFS). Notifications and instructions for e-filing will be sent to SEI filers electronically via email addresses initially supplied in EFS by the JC and updated when necessary.

The following is a brief description of the information requested in the SEI electronic filing. The information needed to complete the filing pertains to the previous calendar year.

- Name, address and a brief description of each business in which a position as officer or director was held by the filer or household member. [ORS 244.060(1)]

Name, address and a brief description of each business through which the filer or household member did business. [ORS 244.060(2)]

Name, address, and brief **description** of the **sources** (*not amounts*) of income for the filer and household members that represent 10 percent or more of the annual household income. [ORS 244.060(3)]

Example: An SEI filer resides only with a spouse and their annual household income from the prior year is derived from the spouse's job at Walmart, the spouse's retirement, and the public official's salary as an employee at a public university. The respective "sources" would be: "Walmart", "Social Security" and "XX University"; respective "descriptions" would be "spouse's wages", "spouse's retirement" and "filer's salary".

- Ownership interests held by the filer or household members in real property, **except for their principal residence**, located within the geographic boundaries of the jurisdiction in which the filer holds the position or seeks to hold. [ORS 244.060(4)(a) and (b)] **NOTE: SEI filers who serve statewide and members of the Legislative**

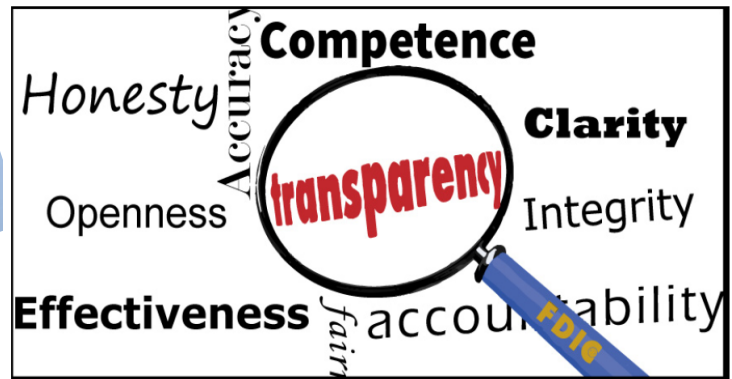
Assembly must report real property held within the entire state of Oregon. This applies to candidates for statewide office and the Legislative Assembly.

- Honoraria or other items allowed by ORS 244.042 that exceed \$15 in value given to the filer or household members. Include a description of the honoraria or item and the date and time of the event when the item was received. [ORS 244.060(7)] Remember that honorarium cannot exceed \$50. [ORS 244.042(3)(a)]
- Name of each lobbyist associated with any business with which the filer or household member is associated, unless the association is through stock held in publicly traded corporations. [ORS 244.090]
- If the public official received over \$50 from an entity when participating in a convention, fact-finding mission, trip, or other meeting as allowed by ORS 244.020(7)(b)(F), list the name and address of the entity that paid the expenses. Include the event date, aggregate expenses paid and the purpose for participation. [ORS 244.060(5) and ORS 244.100(1)] [Not required for candidates]
- If the public official received over \$50 from an entity when participating in a trade promotion, fact-finding mission, negotiations or economic development activities as allowed by ORS 244.020(7)(b)(H), list the name and address of the person that paid the expenses. Include the event date, aggregate expenses paid and nature of the event. [ORS 244.060(6)] [Not required for candidates]
 - **EXCEPTION:** Expenses paid by the public body to their own public officials need not be reported by the public official under ORS 244.060 [OAR 199-005-0035(4)].

The following is required if the information requested relates to an individual or business that has been doing, is doing or could reasonably be expected to do business with the filer's governmental jurisdiction, has a legislative or administrative interest in the filer's governmental jurisdiction, or over which the filer exercises any authority:

- Name, address and description of each source of income (taxable or not) that exceeds \$1,000 for the filer or a household member. [ORS 244.060(8)]
- Name of each person the filer or a household member owes or has owed \$1,000 or more in the previous calendar year. Include the date of the loan and the interest rate. Debts on retail contracts or with regulated financial institutions are excluded. [ORS 244.070(1)]
- Name, address and description of nature of each business in which filer or household member has beneficial interest over \$1,000 or investment held in stocks or securities over \$1,000. Exemptions include mutual funds, blind trusts, deposits in financial institutions, credit union shares and the cash value of life insurance policies. [ORS 244.070(2)]

- Name of each person from whom the filer received a fee of over \$1,000 for services, unless disclosure is prohibited by law or a professional code of ethics. [ORS 244.070(3)]



LEGAL EXPENSE TRUST FUND

The Oregon Government Ethics Commission can authorize a public official to establish a legal expense trust fund to be used to defray expenses incurred for a legal defense in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of duties of the person as a public official. [ORS 244.205]

The provisions regarding the establishment of this fund are detailed in ORS 244.205 through ORS 244.221. If a public official is considering the need to establish a legal expense trust fund, these provisions should be reviewed. The Commission staff is available to provide guidance on the procedures. The following are some of the significant elements of a legal expense trust fund:

- A public official may only have one trust fund at any one time. [ORS 244.205(4)]
- The application to establish the fund must be submitted to the Commission for review and authorization. ORS 244.209 details what information and documents must accompany the application.
- The public official may act as the public official's fund trustee. [ORS 244.211(2)]
- Once authorized and established, any person may contribute to the fund. [ORS 244.213(1)]
- Contributions from a principal campaign committee are not allowed. [ORS 244.213(3)]
- Funds must be maintained in a single exclusive account [ORS 244.215].
- Quarterly reports of contributions and expenditures from the fund are required. [ORS 244.217]
- The fund may be terminated within six months after the legal proceeding for which the fund was established has been concluded. [ORS 244.219]
- When terminated, remaining funds must be returned to contributors on a pro rata basis. [ORS 244.221(1)]
- If the legal proceeding for which the fund was initiated resulted in any financial award or money judgment in favor of the public official, such moneys shall be distributed in the following order: outstanding legal expenses, to trust fund contributors on a pro rata basis, and to the public official or, if required by the trust agreement, to an organization exempt from taxation under section 501(c)(3) of the IRS Code. [ORS 244.221(2)]

Once established, can the public official solicit funds in order to pay for the cost of a legal defense?

Yes. An exception to the prohibited use of office provision explicitly allows a public official to solicit and accept funds for the official's legal expense trust fund. [ORS 244.040(2)(h)] Also, contributions to a legal expense trust fund are excluded from the definition of a "gift." [ORS 244.020(7)(b)(G)]

OREGON GOVERNMENT ETHICS COMMISSION

The Governor appoints all nine members of the Commission and each appointee is confirmed by the Senate. The commissioners are recommended as follows: [ORS 244.250]

- 2 Recommended by the Senate Democratic leadership
- 2 Recommended by the Senate Republican leadership
- 2 Recommended by the House Democratic leadership
- 2 Recommended by the House Republican leadership
- 1 Recommended by the Governor

The Commission members select a chairperson and vice chairperson annually. No more than three commissioners with the same political party affiliation may be appointed to the Commission to serve at the same time. The commissioners are limited to one four-year term, but if an appointee fills an unfinished term they can be reappointed to a subsequent four year term.

The Commission is administered by an executive director, who is selected by the Commission. Legal counsel is provided by the Oregon Department of Justice. Commission staff provide administration, training, guidance, issue written opinions and advice, and conduct investigations when complaints are filed with the Commission.

Training:

The Commission has designated training as one of its highest priorities. It has two staff positions to provide free training to public officials and lobbyists on the laws and regulations under its jurisdiction. Training is provided through presentations at training events, web-based training, informational links on the website, topical handouts and guidance offered when inquiries are received. Contact the Commission to obtain free training through our website at <https://www.oregon.gov/ogec/training/Pages/default.aspx>



Advice:



Questions regarding the Commission’s laws, regulations and procedures are a welcome daily occurrence. Timely and accurate answers are a primary objective of the staff. All members of the Commission staff are cross-trained in the laws and regulations under the Commission’s jurisdictions. Guidance and information is

provided either informally, over the telephone at 503-378-5105, by e-mail at ogec.mail@oregon.gov, or in the following written formal advice and opinions:

- **Staff Advice:** ORS 244.284 provides for informal staff advice, which may be offered in several forms, such as in person, by telephone, e-mail or letter. In a letter of advice, the proposed, hypothetical or actual facts are restated as presented in

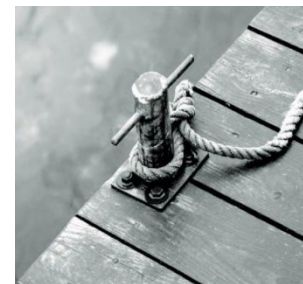
the request, along with the relevant statutes and administrative rules. The advice will discuss how the law applies to the questions asked or raised by the fact circumstances presented in the request.

- **Staff Advisory Opinion:** ORS 244.282 authorizes the executive director to issue a staff advisory opinion upon receipt of a written request. The Commission must respond to any request for a staff advisory opinion within 30 days, unless the executive director extends the deadline by an additional 30 days. The staff advisory opinion is issued in a letter that restates the proposed, hypothetical or actual facts presented in the written request and identifies the relevant statutes and administrative rules. The opinion will discuss how the law applies to the questions asked or raised by the fact circumstances presented in the request.
- **Commission Advisory Opinion:** ORS 244.280 authorizes the Commission to prepare and adopt by vote a Commission Advisory Opinion. Commission advisory opinions are reviewed by legal counsel before being adopted by the Commissioners. The opinion will identify the relevant statutes and administrative rules and will discuss how the law applies to the questions asked or raised by the fact circumstances provided in the request. The Commission must respond to any request for a Commission Advisory Opinion within 60 days, unless the Commission extends the deadline by an additional 60 days.

Public officials who request advice or formal opinions must describe the specific facts and circumstances that provide the basis for questions about how the Oregon Government Ethics law may apply. The facts and circumstances may be hypothetical or actual, but must be prospective, describing a proposed transaction or action, not one that has already occurred. If actual circumstances indicate that a violation may have already occurred, the staff cannot provide advice or an opinion because to do so could compromise the Commission's objectivity if a complaint were to be filed. As described below, whether a public official relied on Commission advice or opinions is relevant to sanctions, in the event a complaint is filed against the public official.

If a person requests, receives or relies on any of the advice or opinions authorized by ORS 244.280 through ORS 244.284, does that person have what is referred to as “safe harbor”?

There is no “safe harbor,” if the term is understood to mean that any person who relies on any advice or opinions offered by the Commission or the staff is protected from being a respondent to a complaint or from being found in violation of laws within the jurisdiction of the Commission.



There is, however, specific and conditional protection for any person who has requested and relied in good faith upon advice or an opinion from the Commission or its staff. The conditions and protection is as follows:

- The fact circumstances described in the request must not misrepresent, misstate or omit material facts.
- Reliance on the advice or opinion means that the action or transactions of the person were those described or suggested in the advice or opinion.
- The protection applies only during the penalty phase, after the Commission has determined that a violation has occurred. If there was reliance on staff advice or a Staff Advisory Opinion, the Commission may consider the reliance during the penalty phase. If reliance was on a Commission Advisory Opinion, the Commission may not impose a penalty.

The specific protections for the different forms of advice are as follows:

Staff Advice: If the Commission makes a finding that a public official violated provisions of law within its jurisdiction, and that public official acted in accordance with staff advice offered under the authority of ORS 244.284, the Commission may consider that information when sanctioning the violation. [ORS 244.284(2)] The Commission is not prevented from finding a violation, but the sanction imposed could be affected.

Staff Advisory Opinion: If the Commission determines that a public official violated provisions of law within its jurisdiction, and the public official acted in accordance with a staff advisory opinion under the authority of ORS 244.282, in sanctioning the violation, the Commission may consider whether the public official committed the violation when acting in reliance on the staff advisory opinion. [ORS 244.282(3)] The Commission is not prevented from finding a violation in these circumstances, but any sanction is limited to issuing a written letter of reprimand, explanation, or education, unless it finds that the person omitted or misstated material facts in the request for a staff advisory opinion.

Commission Advisory Opinion: The Commission may not impose a penalty on a person for any good faith action taken by the person while relying on a Commission Advisory Opinion, unless it is determined that the person who requested the opinion omitted or misstated material facts in the opinion request. [ORS 244.280(3)] For the Commission Advisory Opinion to be a factor in preventing the imposition of a penalty, it is important to understand that the circumstances described in the request must have been an accurate description of what occurred when the respondent committed the violation, and the actions of the respondent must have been those recommended or described in the Commission Advisory Opinion. The Commission is not prevented from finding a violation in these circumstances, but could be prevented from imposing a sanction.

Any person who has not requested advice or an opinion must be cautious when trying to apply advice or opinions offered to others. The advice and opinions given are based on and tailored to the specific fact circumstances presented in a request. Fact circumstances

vary from one situation to another and they vary from one public official to another. If a person reviews an opinion or advice issued to another for circumstances the person believes similar to those now met and relies on that advice, the person must ensure the similarity is sufficient for the application of law to be the same.

It is important to remember that the provisions of law apply to the individual actions of the person or public official. There are events or occasions when more than one public official may be present and participating in their official capacities. Depending on the circumstances and conditions for an event or transaction, the law may have a different application for one public official than for other public officials.

Published advice that the Commission has issued may be found at <https://www.oregon.gov/oqec/public-records/Pages/Advice-and-Opinions.aspx>



Compliance:

The Commission has a program manager who oversees the management and administration of the various reports that are filed with the Commission. There are approximately 1,000 lobbyists who must file or renew their lobbying registrations every two years. These lobbyists, and their clients or employers, must also file lobbying activity expense reports every quarter. Additionally, there are approximately 5,500 public officials who must file the Annual Verified Statement of Economic Interest each April 15. The program manager and Commission staff are available by telephone or e-mail to provide assistance and answer questions about registration and filing requirements and procedures.

Complaint Review Procedures:

Investigations are initiated through a complaint procedure. [ORS 244.260 and ORS 171.778] Any person may file a signed, written complaint alleging that there may have been a violation of Oregon Government Ethics law, Lobbying Regulation or the executive session provisions of Oregon Public Meetings law. The complaint must identify the public official believed to have violated the law, and must state the person's reason for believing that a violation may have occurred and include any evidence that supports that belief. The complaint must identify and be signed by the person filing it. Anonymous complaints are not accepted. The executive director reviews the complaint for jurisdiction and sufficiency. If additional information is needed, the complainant is asked to provide that information.

Complaints are filed online via the “Complaint Form” found on the Commission’s website homepage at <https://www.oregon.gov/ogec/public-records/Pages/Complaints.aspx>. All complaints must be signed, either through an e-signature if submitted through the online complaint system, or an inked signature if filed by paper. NOTE: The name of the complainant is furnished to the subject of a complaint.

If there is reason to believe that a violation of laws within the jurisdiction of the Commission may have been committed, a case will be initiated upon receipt of a complaint. The Commission may also initiate a case on its own complaint by motion and vote. Before approving such a motion, the public official against whom the action may be taken is notified and given an opportunity to appear before the Commission at the meeting when the matter is discussed or acted upon.

When a case is initiated, the public official against whom the allegations are made is referred to as the respondent. The respondent is notified of the complaint and provided with the information received in the complaint and the identity of the complainant. Whether based on a complaint or a motion by the Commission, the initial stage of the case is called the preliminary review phase. The time allowed for this phase is limited to 30 days (135 days for lobby cases) and ends when the executive director finalizes the preliminary review report.

A court may enjoin the Commission from continuing its inquiry during the preliminary review phase. Also, if a complaint is made against a candidate within 61 days of an election, the candidate may make a written request for a delay. [ORS 244.260(4)(a)]

During the preliminary review phase, the Commissioners and staff can make no public comment on the matter other than to acknowledge receipt of the complaint. It is maintained as a confidential matter until the Commission meets in executive session to consider whether to dismiss the complaint or find cause to conduct an investigation. Following the Commission’s consideration of the preliminary review report in executive session, the case file is subject to public disclosure.

If the Commission votes to dismiss the complaint, the matter is concluded and both the respondent and complainant are notified. If cause is found to investigate, then an investigatory phase begins. The investigatory phase is limited to 180 days. The investigatory phase may be suspended during a pending criminal investigation if the Commission determines that its own investigation cannot be adequately completed until the criminal investigation is complete, or if a court enjoins the Commission from investigation.

During the investigatory phase, Commission investigators will solicit information and documents from the complainant, respondent, and other witnesses and sources that are identified. Before the end of the 180 day investigatory period, an investigation report will be prepared. The investigation report is reviewed by the Commission’s legal counsel before being finalized by the executive director. The investigation report is presented to the Commission in the public session portion of its meeting. The Commission will then

consider the results of the investigation and generally will vote to either dismiss the complaint or make a preliminary finding that a violation of law was committed by the respondent. The preliminary finding of a violation is based on what the Commission considers to be a preponderance of evidence sufficient to support such a finding.

If a preliminary finding of violation is made, the respondent will be offered the opportunity to request a contested case hearing. At any time, either during the investigative phase or after a preliminary finding of violation is made, the respondent is encouraged to negotiate a settlement with the executive director, who represents the Commission in such negotiations. Most cases before the Commission are resolved through a negotiated settlement, with the terms of the agreement set forth in a Stipulated Final Order.

The Commission has a variety of sanctions available after making a finding that a violation occurred. Sanctions range from letters of education, reprimand, or explanation, to civil penalties and forfeitures. The maximum civil penalty that can be imposed for each violation of Oregon Government Ethics law is \$5,000, except for violations of ORS 244.045 (regulation of subsequent employment) where the maximum penalty is \$25,000 and for “willful” violations of ORS 244.040 (the “prohibited use of position or office” provision) where the maximum penalty is \$10,000. An additional civil penalty may be assessed equal to twice the financial gain that a respondent realized from a violation. Each violation of the executive session provisions in ORS 192.660 is subject to a maximum fine of \$1,000. Any monetary sanctions paid are deposited into the State of Oregon General Fund.

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