

# Chapter 244

## 1979 REPLACEMENT PART

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## GENERALLY

**244.010 Policy.** (1) The Legislative Assembly hereby declares that a public office is a public trust, and that as one safeguard for that trust, the people require all public officials to adhere to the code of ethics set forth in ORS 244.040.

(2) The Legislative Assembly recognizes that it is the policy of the state to have serving on many state and local boards and commissions state and local officials who may have potentially conflicting public responsibilities by virtue of their positions as public officials and also as members of the boards and commissions, and declares it to be the policy of the state that the holding of such offices does not constitute the holding of incompatible offices unless expressly stated in the enabling legislation. [1974 s.s. c.72 §§1, 1a]

**244.020 Definitions.** As used in this chapter, unless the context requires otherwise:

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

(2) "Business with which he is associated" means any business of which the person or a member of the person's household is a director, officer, owner or employe, or any corporation in which the person or a member of the person's household owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year.

(3) "Commission" means the Oregon Government Ethics Commission.

(4) "Potential conflict of interest" means any transaction where a person acting in a capacity as a public official takes any action or makes any decision or recommendation, the effect of which would be to the private pecuniary benefit or detriment of the person or a member of the person's household, unless the pecuniary benefit or detriment arises out of the following:

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

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or a member of

the person's household or business with which he is associated, is a member or is engaged. The commission may by rule limit the minimum size of or otherwise establish criteria for or identify the smaller classes that qualify under this exception.

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

(a) Campaign contributions.

(b) Gifts from relatives.

(c) The giving or receiving of food, lodging and travel when participating in an event which bears a relationship to the public official's office and when appearing in an official capacity, provided that when such expenses incurred exceed \$50, such expenses shall be disclosed yearly on a form prescribed by the commission stating the name, nature and business address of the organization paying the public official's expenses and the date and the amount of that expenditure. The disclosure requirements of this paragraph apply only to public officials required to file a statement of economic interest under ORS 244.050.

(6) "Income" means income of any nature derived from any source, including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, honoraria, return of capital, forgiveness of indebtedness, or anything of economic value.

(7) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the formal vote or official action of a public official.

(8) "Member of household" means the spouse of the public official and any children of either who reside with the public official.

(9) "Public official" means any person who is serving in a governmental capacity for the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employe, agent or otherwise, and irrespective of whether the person is compensated for such services. [1974 s.s. c.72 §2; 1975 c.543 §1; 1977 c.588 §2; 1979 c.666 §5]

**244.030 Application.** Nothing in this chapter is intended to affect:

(1) Any other statute requiring disclosure of economic interest by any public official or public employe.

(2) Any statute prohibiting or authorizing specific conduct on the part of any public official or public employe. [1974 s.s. c.72 §24]

**244.040 Code of Ethics.** (1) No public official shall use his official position or office to obtain financial gain for himself, other than official salary, honoraria or reimbursement of expenses, or for any member of his household, or for any business with which he or a member of his household is associated.

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

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

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

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

[1974 s.s. c.72 §3; 1975 c.543 §2]

## REPORTING

**244.050 Persons required to file statement of economic interest; duty of Legislative Assembly.** (1) On or before April 15 of each year the following persons shall file with the commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except municipal judges in those cities where a majority of the votes cast in the subject city in the 1974 general election was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session), and except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for an office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

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

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Director of Commerce.

(D) Manager of State Accident Insurance Fund Corporation.

(E) Water Resources Director.

(F) Director of Department of Environmental Quality.

(G) Director of Executive Department.

(H) Director of the Oregon State Fair and Exposition Center.

(I) State Fish and Wildlife Director.

(J) State Forester.

(K) Director of Department of General Services.

(L) State Geologist.

(M) Director of Department of Human Resources.

(N) Director of Workers' Compensation Department.

(O) Director of Division of State Lands.

(P) State Librarian.

(Q) Administrator of Oregon Liquor Control Commission.

(R) Superintendent of State Police.

(S) Director of Public Employees' Retirement Board.

(T) Director of Department of Revenue.

(U) Director of Transportation.

(V) Public Utility Commissioner.

(W) Director of Veterans' Affairs.

(X) Executive Director of Oregon Government Ethics Commission.

(Y) Director of Oregon Educational Coordinating Commission.

(Z) Director of the Department of Energy.

(h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.

(i) Every elected city or county official except elected officials in those cities or counties where a majority of votes cast in the subject city or county in any election on the issue of filing statements of economic interest under this chapter was in opposition.

(j) Every member of a city or county planning, zoning or development commission except such members in those cities or counties where a majority of votes cast in the subject city or county at any election on the issue of filing statements of economic interest under this chapter was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session).

(k) Each chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county except such employees in those cities or counties where a majority of votes cast in the subject city or county in any election on the issue of filing statements of economic interest under this chapter was in opposition.

(L) Members of local government boundary commissions formed under ORS 199.410 to 199.512.

(m) Every member of a governing body of a metropolitan service district and the executive officer thereof established under ORS 198.705 to 198.955 or 268.100 to 268.200.

(n) Each member of the board of directors of the State Accident Insurance Fund Corporation.

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

(A) Capitol Planning Commission.

(B) Board of Geologic and Mineral Industries.

(C) Economic Development Commission.

(D) State Board of Education.

(E) Environmental Quality Commission.

(F) Fish and Wildlife Commission of the State of Oregon.

(G) State Board of Forestry.

(H) Oregon Government Ethics Commission.

(I) Oregon Statewide Health Coordinating Council and Certificate of Need Appeals Board.

(J) State Board of Higher Education.

(K) Oregon Investment Council.

(L) Land Conservation and Development Commission.

(M) Oregon Liquor Control Commission.

(N) Local Government Investment Board.

(O) State Marine Board.

(P) Mass transit district boards.

(Q) Energy Facility Siting Council.

(R) Board of Commissioners of the Port of Portland.

(S) Employment Relations Board.

(T) Public Employees' Retirement Board.

(U) Oregon Racing Commission.

(V) Oregon Transportation Commission.

(W) Wage and Hour Commission.

(X) Water Policy Review Board.

(Y) Workers' Compensation Board.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(3) By April 15 next after the filing date for the state-wide primary election, each candidate for elective public office described in subsection (1) of this section and any candidate for United States Senator or Representative shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(4) Within 30 days after the filing date for the state-wide general election, each candidate for elective public office described in subsection (1) of this section and any candidate for United States Senator or Representative, who was not a candidate in the preceding state-wide primary election, shall file with the commission a statement of economic interest

as required under ORS 244.060, 244.070 and 244.090.

(5) The Legislative Assembly shall maintain a continuing review of the operation of this chapter and from time to time may add to or delete from the list of boards and commissions in subsections (1) to (3) of this section as in the judgment of the Legislative Assembly is consistent with the purposes of this chapter. [1974 s.s. c.72 §§4, 4a; 1975 c.543 §3; 1977 c.588 §3; 1977 c.751 §16; 1979 c.374 §5; 1979 c.666 §6; 1979 c.697 §1; 1979 c.736 §1; 1979 c.829 §9b]

Note: The amendments to 244.050 by section 9b, chapter 829, Oregon Laws 1979, become operative July 1, 1980. See section 13, chapter 829, Oregon Laws 1979.

Note: Section 2, chapter 736, Oregon Laws 1979, provides:

Sec. 2. In order to comply with ORS 244.050, as amended by section 1 of this Act, members of a governing body of a metropolitan service district shall first file a verified statement of economic interest with the Oregon Government Ethics Commission not later than April 15, 1980.

**244.060 Form of statement of economic interest.** The statement of economic interest filed under ORS 244.040, shall be on a form prescribed by the commission, and the person filing the statement shall supply the information required by this section and ORS 244.090, as follows:

(1) The name of all business offices and directorships held by him or a member of his household during the preceding calendar year.

(2) All names under which he and members of his household do business.

(3) Sources of income received at any time during the preceding calendar year by him or a member of his household which produces 10 percent or more of the total annual household income.

(4) The name, principal address and brief description of the source of income from which 50 percent or more of the household income was received during the preceding calendar year and whether the source existed during the preceding year, and whether the source is derived from an entity that now does business or could reasonably be expected to do business or has legislative or administrative interest in the governmental agency of which the public official is a member or over which he has authority.

(5) The listing of all real property in which the public official or a member of his household has or has had any personal, beneficial ownership interest during the preceding

calendar year, any options to purchase or sell real property, and any other rights of any kind in real property located within the geographic boundaries of the governmental agency of which the public official is a member or over which he has authority. [1974 s.s. c.72 §5; 1975 c.543 §4]

**244.070 When additional statement required.** The following additional economic interest shall be reported for the preceding calendar year only if the source of that interest is derived from an individual or business which has been doing business, does business or could reasonably be expected to do business with or has legislative or administrative interest in the governmental agency of which the public official is a member or over which he has authority:

(1) Each source of income over \$1,000, other than a source of income disclosed under ORS 244.060, whether or not taxable, received by him or a member of his household.

(2) Each person to whom he or a member of his household owes or has owed money in excess of \$1,000, the interest rate thereon and the date of the loan, except for debts owed to any federal or state regulated financial institution or retail contracts.

(3) Each business, principal address, and brief description of its nature, in which he or a member of his household has or has had a personal, beneficial interest or investment in excess of \$1,000, except for individual items involved in a mutual fund or a blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.

(4) Each person for whom the public official has performed services for a fee in excess of \$1,000 except for any disclosure otherwise prohibited by law or by a professional code of ethics. [1974 s.s. c.72 §6; 1975 c.543 §5]

**244.080 Supplemental statements.** (1) Statements supplemental to those required by ORS 244.060 and 244.070 shall be filed as follows:

(a) Annual supplemental statements shall be filed with the commission.

(b) Within 30 days after a public official ceases to hold office, he shall file with the commission a supplemental statement of economic interest covering the period from the beginning of the calendar year to the date on which he ceases to hold public office.

(2) A statement supplemental to those required by ORS 244.060 and 244.070 may be voluntarily filed by any public official at any time that the information contained in his last filed statement in his opinion should be brought up to date.

(3) The commission by rule may accept the filing of a form containing less than the information required under ORS 244.060 and 244.070 if the public official certifies thereon that the information contained on the form previously filed is unchanged. If any portion of the information contained in the filing is changed, the public official may certify only as to the changed material. [Subsection (1) enacted as 1974 s.s. c.72 §8; subsection (2) enacted as 1975 c.543 §7(1); 1977 c.588 §4]

**244.090 When report on compensated lobbyist required.** Each public official of this state required to make a statement of economic interest shall report by name any compensated lobbyist with whom he or a member of his household shares or shared during the preceding calendar year, any direct economic interest such as a partnership, joint venture or similar substantial economic relationship. As used in this section "lobbyist" has the meaning set forth in ORS 171.725. [1974 s.s. c.72 §7; 1975 c.543 §6]

**244.100 When commission may require reporting of gifts; exemptions from gift limitation.** (1) The commission by rule may require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate for elective office.

(2) The commission by rule may exempt from the gift limitation contained in ORS 244.040, any gift of food or beverage but may require that when gifts of food or beverage exceed a dollar amount fixed by the commission, the source thereof shall be disclosed on a form prescribed by the commission. [1975 c.543 §11]

**244.110 Required statements subject to penalty for false swearing.** (1) Any statement of economic interest required to be filed by ORS 244.050, 244.060, 244.070, 244.080, 244.090 or 244.100 shall contain or be verified by a written declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.

(2) No person shall wilfully make and subscribe any return statement or other document which contains or is verified by a writ-

ten declaration that it is made under penalties for false swearing, which he does not believe to be true and correct to every matter. [1974 s.s. c.72 §22; 1977 c.588 §5]

## DECLARATION OF POTENTIAL CONFLICTS

**244.120 Methods of handling potential conflicts.** (1) When involved in a potential conflict of interest, a public official shall:

(a) If he is an elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, announce publicly the nature of the potential conflict prior to taking any official action thereon.

(b) If he is a member of the Legislative Assembly, announce publicly, pursuant to rules of the house of which he is a member, the nature of the potential conflict prior to voting, either on the floor or in committee, on the issue giving rise to the potential conflict.

(c) If he is a judge, remove himself from the case giving rise to the conflict or advise the parties of the nature of the conflict.

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

(2) Nothing in subsection (1) of this section requires any public official to announce a potential conflict of interest more than once on the occasion which the matter out of which the potential conflict arises is discussed or debated. [1974 s.s. c.72 §10; 1975 c.543 §7]

**244.130 Recording of notice of potential conflict; effect of failure to disclose conflict.** (1) When a public official gives notice of a potential conflict of interest, the potential conflict shall be recorded in the official records of the public body, and a notice of the potential conflict and how it was disposed of may in the discretion of the public body be provided the commission within a reasonable period of time. The commission may by rule establish criteria for cases in

which such information shall, shall not, or may be provided to it.

(2) No decision or action of any public official or any board or commission on which he serves or agency by which he is employed shall be voided by any court solely by reason of his failure to disclose a conflict of interest.

[1974 s.s. c.72 §11; 1975 c.543 §8]

### APPLICATION OF REPORTING REQUIREMENTS TO LOCAL GOVERNMENTS

**244.160 Application to political subdivisions except cities and counties.** Any political subdivision in this state other than a city or county by resolution may require any public official of the subdivision to file a verified statement of economic interest. The filing shall be made with the commission. A copy of the ordinance shall be filed with the commission. [1974 s.s. c.72 §9]

**244.170 "Statement of economic interest" defined.** As used in this chapter, "statement of economic interest" means a statement as described by ORS 244.060 to 244.080. [1975 c.216 §1a]

**244.180 When city officials required to file statement.** (1) As used in this section, "public officials of a city" means each person holding an elective city office; each member of a city planning, zoning or development commission; and each chief executive officer of the city who performs the duties of manager or a principal administrator of the city.

(2) Public officials of a city are required to file a statement of economic interest with the commission if a majority of the votes cast by the qualified voters of the city voting at the election as provided for in ORS 244.200 is in favor thereof. [1975 c.216 §2]

**244.190 When county officials required to file statement.** (1) As used in this section, "public officials of a county" means each person holding an elective county office; each member of a county planning, zoning or development commission; and each chief executive officer of the county who performs the duties of a principal administrator of the county.

(2) Public officials of a county are required to file a statement of economic interest with the commission if a majority of the votes cast by the qualified voters of the county

voting at the election as provided for in ORS 244.200 is in favor thereof. [1975 c.216 §3]

**244.195 Certain city and county officers to be informed of reporting requirements; effect of failure to inform.** (1) The city recorder or county clerk, respectively, shall provide to every person newly elected or appointed to any city or county office for which statements of financial interest are required under ORS 244.050 information about the requirements of ORS 244.050, 244.060, 244.070, 244.080 and 244.090 either at the first meeting attended by the new officer or before the officer takes the oath of office, whichever is first.

(2) At the time of fulfilling duties under subsection (1) of this section, the city recorder or county clerk shall provide to each new officer a copy of the statements and explanation provided to the city recorder or county clerk under subsection (3) of this section.

(3) The commission shall provide copies of the statements described in ORS 244.060, 244.070, 244.080 and 244.090 and an explanation of the requirements of the law relating to the statements to each city recorder and county clerk.

(4) Any person described in subsection (1) of this section who is not informed of the filing requirements under ORS 244.050, 244.060, 244.070, 244.080 and 244.090 and provided with a copy of the statements and explanation described in subsection (3) of this section before taking the oath of office may resign that office within 90 days thereafter or before the next date specified in ORS 244.050 for the filing of a statement, whichever is longer, without filing any statement and without sanction or penalty that might otherwise be imposed for not filing. [1979 c.332 §2]

**244.200 When filing question to be submitted to city or county voters.** The governing body of a city or county shall submit the appropriate question from ORS 244.210 to its respective voters upon petition signed by the number of voters required to initiate legislation in the city or county. [1975 c.216 §5]

**244.210 Manner of submitting question.** (1) If proposed in the manner set forth in ORS 244.200, there shall be submitted to the qualified voters of each city at a primary or general election the following question:

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Shall the following public officials of this

city be required to file a statement of economic interest with the Oregon Government Ethics Commission: Each person holding an elective city office; each member of a city planning, zoning or development commission; and each chief executive officer of the city who performs the duties of manager or a principal administrator of the city?

Yes \_\_\_\_\_

No \_\_\_\_\_

(2) If proposed in the manner set forth in ORS 244.200, there shall be submitted to the qualified voters of each county at a primary or general election the following question:

Shall the following public officials of this county be required to file a statement of economic interest with the Oregon Government Ethics Commission: Each person holding an elective county office; each member of a county planning, zoning or development commission; and each chief executive officer of the county who performs the duties of a principal administrator of the county?

Yes \_\_\_\_\_

No \_\_\_\_\_

(3) The questions set forth in subsections (1) and (2) of this section shall appear on the official ballot for the election. The votes cast on each question shall be counted, canvassed, returned and declared in the manner provided by law for measures voted upon at such an election, except that if the question appears on both city and county ballots the votes cast in each city and in each county shall be counted, canvassed, returned and declared separately for each city and county. [1975 c.216 §4]

**COMMISSION**

**244.250 Oregon Government Ethics Commission; appointment; term; quorum; compensation.** (1) The Oregon Government Ethics Commission is established, consisting of seven members appointed in the following manner:

(a) One each by the majority and minority parties in each house of the Legislative Assembly.

(b) Three by the Governor.

(2) No person who holds any public office listed in subsection (1) of ORS 244.050 except as a member of the commission shall be appointed to the commission. No more than four

members shall be members of the same political party.

(3) The term of office is four years. No member shall be eligible to be appointed to more than one full term but may serve out an unexpired term. However, those members first appointed to the commission serving less than a three-year term are eligible for a second appointment for a full term. Vacancies shall be filled by the appointing authority for the unexpired term.

(4) The commission shall elect a chairman and vice chairman for such terms and duties as the commission may require.

(5) A quorum consists of four members but no final decision may be made without an affirmative vote of the majority of the members appointed to the commission.

(6) Members shall be entitled to compensation and expenses as provided in ORS 292.495. [1974 s.s. c.72 §12; 1977 c.588 §6]

**244.260 Investigations; findings; hearings.** (1) Upon its own instigation or signed complaint of any person, the commission may make investigations with respect to statements filed under this chapter or resolution adopted pursuant thereto, alleged failure to file any required statement, or any other alleged violation of any provision of this chapter, and shall report findings together with supporting reasons. In carrying out its duties, the commission may require any additional information, administer oaths, take depositions and issue subpoenas to compel attendance of witnesses and the production of books, papers, records, memoranda or other information necessary to carry out the commission's duties under this chapter. If any person fails to comply with any subpoena issued under this section or refuses to testify on any matters on which he may be lawfully interrogated, the procedure provided in ORS 183.440 shall be followed to compel compliance.

(2) The findings of the commission in any investigation shall be made available to the public official who is the subject thereof, to the appointing authority, if any, and to the Attorney General for state public officials and to the appropriate district attorney for local public officials. The findings shall be made available to the Commission on Judicial Fitness in any investigation involving a judge.

(3) Hearings relating to any charge of alleged violation of this chapter may be held before the commission or before a hearings officer appointed by the commission. The

procedure shall be that for a contested case under ORS 183.310 to 183.500. [1974 s.s. c.72 §13]

**244.270 Findings as grounds for removal.** If the commission finds that an appointed public official has violated any provision of this chapter or any rule adopted pursuant thereto, the finding shall constitute prima facie evidence of unfitness where removal is authorized for cause either by law or pursuant to section 6, Article VII (Amended) of the Oregon Constitution. [1974 s.s. c.72 §14; 1977 c.588 §7]

**244.280 Opinions; advisory interpretation; liability of person following interpretation.** (1) Upon the written request of any public official, candidate for public office or any person, or upon its own motion, the commission may issue and publish opinions on the requirements of this chapter, based on actual or hypothetical circumstances.

(2) If any public official or business with which he is associated is in doubt whether a proposed transaction or action constitutes a violation of this chapter, the public official or the business may request in writing a determination from the commission. Within 60 days of receipt of the request, the commission shall issue an advisory interpretation on the question. The requester shall supply such information as the commission requests to enable it to issue the interpretation.

(3) A public official or business with which he is associated shall not be liable under this chapter, for any action or transaction carried out in accordance with an advisory interpretation issued under subsection (2) of this section. [1974 s.s. c.72 §15; 1975 c.543 §9; 1977 c.588 §8]

**244.290 General duties of commission.** The commission shall:

(1) Prescribe forms for statements required by this chapter and provide the forms to persons required to file the statements under this chapter or resolution adopted pursuant thereto.

(2) Prepare, publish and provide a manual setting forth recommended uniform methods of reporting for use by persons filing statements under this chapter or resolution adopted pursuant thereto.

(3) Develop a filing, coding and cross-indexing system consistent with the purposes of this chapter.

(4) Prepare and publish such reports as the commission finds necessary. [1974 s.s. c.72 §17]

**244.300 Status of records.** Records of the commission shall constitute public records of this state. [1974 s.s. c.72 §18; 1977 c.588 §9]

**244.310 Executive director; duties.** The commission shall appoint an executive director to serve at the pleasure of the commission. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be designated or assigned to him from time to time by the commission. However, the commission shall not delegate the power to make regulations or issue advisory opinions to the executive director. [1974 s.s. c.72 §16]

## ENFORCEMENT

**244.350 Civil penalties.** The commission may impose civil penalties not to exceed \$1,000 for violating any provision of this chapter or any resolution adopted pursuant thereto. Any penalty imposed under this section is in addition to and not in lieu of any other penalty or sanction that may be imposed according to law, including removal from office. [1974 s.s. c.72 §19; 1977 c.588 §10]

**244.360 Forfeiture of twice financial benefit.** The commission shall in addition to civil penalties prescribed in ORS 244.350 require any public official who has financially benefited himself or any other person by violation of any provision of this chapter to forfeit twice the amount that he or any other person realized from violating any provision of this chapter. [1974 s.s. c.72 §20]

**244.370 Procedure for collecting penalties.** (1) Any civil penalty imposed under ORS 244.350 or 244.360 shall become due and payable after hearing. A notice in writing shall be sent by the commission to the public official at least 20 days before the hearing. The notice shall be sent by registered or certified mail and must include:

(a) A reference to the particular section of statute, ruling or order involved;

(b) A short and plain statement of the matter asserted or charged as a violation;

(c) A statement of the amount of penalty that may be imposed; and

(d) The date and time of the hearing.

(2) The public official to whom the notice is addressed shall have 10 days from the date of receipt of the notice in which to waive a hearing before the commission and the public official shall be so notified.

(3) All hearings shall be conducted pursuant to the applicable provisions of ORS 183.310 to 183.500.

(4) Unless the amount of the penalty is paid within 10 days after the order becomes final, the order shall constitute a judgment and may be filed in accordance with ORS 18.320 to 18.370.

(5) All penalties recovered under ORS 244.350 and 244.360 shall be paid into the State Treasury and credited to the General Fund. [1974 s.s. c.72 §21; 1977 c.588 §11]

**244.380 Sanctions against noncomplying officials.** In the event that a public official or candidate subject to the requirements of this chapter, fails to file a statement of economic interests required by this chapter, or by resolution adopted pursuant thereto, the following actions shall be taken, irrespective of other penalties which may be imposed pursuant to this chapter if, after a hearing has been granted the public official and a penalty is imposed under ORS 244.370, the public official continues to refuse to file a statement of economic interests:

(1) Except as to judges, no compensation shall be paid to a salaried public official. Upon notice to the Executive Department or to the appropriate local authority from the commission of the failure to file the required report when due, compensation shall be withheld and the public official shall be barred from beginning or continuing to exercise his official duty until such time as the public official complies with the requirements of this chapter. In the case of a public official who receives no compensation, the public official shall be barred from beginning or continuing the exercise of his official duty until such time as a statement is filed as required under this chapter.

(2) Upon notice to the Secretary of State of the failure to file the statement required by this chapter, from the commission, the Secretary of State shall cause the name of the candidate for public office to be removed from the ballot on which he would otherwise appear.

[1974 s.s. c.72 §23; 1975 c.543 §12; 1977 c.588 §12]

**244.390 Status of penalties and sanctions.** The penalties and sanctions imposed by this chapter are in addition to and not in lieu of any other penalty or sanction prescribed or authorized by law which applies to the conduct of public officials. [1974 s.s. c.72 §25]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,  
October 1, 1979.

Thomas G. Clifford  
Legislative Counsel

#### CHAPTER 245 [Reserved for expansion]

