

January 28, 1998

Brian D. Cole  
Regional Development Officer  
Oregon Economic Development Department  
P.O. Box 650  
Baker City, Oregon 97814

Dear Mr. Cole:

This letter is in response to your correspondence dated January 12, 1998, concerning contracting for services from state government.

**OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION STAFF OPINION  
NO. 98S-001**

**STATED FACTS:** You are employed by the Oregon Economic Development Department as a regional development officer and you are considering filing for election to the partisan office of Chairperson of the Baker County Board of Commissioners. If you decide to run for the office, you would resign your position with the Economic Development Department with the intent of opening a consulting business. One of your largest markets in the private business would be state government; in particular, the Governor's Office, the Oregon Economic Development Department and several other state agencies.

**RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the issues addressed herein:

ORS 244.020(15): Public official means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

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ORS 244.045 Regulation of subsequent employment of public officials.

(1) A person who has been a Public Utility Commissioner, the Director of the Department of Consumer and Business Services, the Administrator of the Division of Finance and Corporate Securities, the Administrator of the Insurance Division, the Administrator of the Oregon Liquor Control Commission or the Director of the Oregon State Lottery shall not...

(2) A person who has been a Deputy Attorney General or an assistant attorney general shall not, within two years after the person ceases to hold the position, lobby or appear before an agency that the person represented while employed by the Department of Justice.

(3) A person who has been the State Treasurer or the Chief Deputy State Treasurer shall not...

(4) A public official who as part of the official s duties invested public funds shall not...

QUESTION #1: Is it appropriate for you to receive payment for services from these agencies/entities? Is there a need for a third party to intervene?

OPINION: ORS 244.045 specifically names the state positions which regulate subsequent employment of public officials. A regional development officer of the Oregon Economic Development Department is not one of those positions. You would not be prohibited from contracting with state agencies/entities through your consulting business. There would be no necessity for a third party to intervene.

QUESTION #2: Is it necessary for state employees, other than employees of higher education, to resign their position in order to run for partisan elected office.

OPINION: The Government Standards and Practices Commission has no jurisdiction relating to this question. You may wish to inquire of the Elections Division, Secretary of State.

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**THIS RESPONSE ADDRESSES ONLY THE APPLICATION OF ORS CHAPTER 244 TO THE FACTS STATED HEREIN. OTHER LAWS OR REQUIREMENTS MAY ALSO APPLY. THIS IS NOT A FORMAL ADVISORY OPINION PURSUANT TO ORS CHAPTER 244.280. IT IS MY PERSONAL ASSESSMENT AS THE EXECUTIVE DIRECTOR OF THE OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION.**

Do not hesitate to call or write again if you have additional questions or would like additional clarification.

Sincerely,

L. Patrick Hearn  
Executive Director

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