

June 1, 2001

On June 1, 2001 the Oregon Standards and Practices Commission (GSPC) adopted the following advisory opinion on its own motion:

**OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION  
ADVISORY OPINION NO. 01A-1008**

ISSUE: It has become common for public officials to attend work related events such as conferences and training sessions. Some of these events are attended solely by public officials and some are attended by both public officials and persons from the private sector. Public officials generally attend such events on agency time and the agency pays the costs of food, lodging, travel and registration.

Attendees at such events frequently receive free items such as pens, pencils, notebooks, key chains, hats, duffle bags, etc. Such events may also afford attendees the opportunity to win door prizes or raffles. The value of such free items varies, but presents the Oregon public official with an uncertainty as to whether he or she may keep such items, as personal belongings.

RELEVANT STATUTES: The following Oregon Revised Statutes are applicable to the issues addressed in this opinion:

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.

244.040 **Code of ethics; prohibited actions; honoraria.** The following actions are prohibited regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed pursuant to ORS 244.120:

244.040(1)(a) No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that

would not otherwise be available but for the public official's holding of the official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b) and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional achievement for the public official or the public official's relative, or for any business with which the public official or a relative of the public official is associated.

QUESTION NO. 1: Is it a violation of ORS Chapter 244 for a public official to accept free items and prizes in conjunction with attending an official event, such as a conference, in an official capacity at the official's public employer's expense and on the public employer's time?

OPINION: No. The GSPC finds that items like pens, pencils, baseball caps or tote bags that are commonly offered to attendees have only minimal or trinket value and the receiving of such items by public officials will not be considered to be a violation of ORS Chapter 244, if the guidelines of this opinion are followed.

Under ORS 244.040(1)(a), public officials are prohibited from using their official position for any financial gain, other than official salary, honoraria, reimbursement of expenses or an unsolicited award for professional achievement, that would not otherwise be available but for the public position they hold. In attending these events as a public official, it is clear that such items offered and received are linked to the official position held. It makes no difference whether associated costs for the attendance are paid by the public agency or some other source, because the public official is attending in her or his official capacity. However, these items normally have such nominal value that it would be unreasonable to view them as an unlawful financial benefit under ORS Chapter 244.

QUESTION NO. 2: If current Government Standards and Practices law permits a person, in their capacity as a public official, to accept prizes and other such items when attending agency business related events in an official capacity, is there a monetary guideline to distinguish between items that may be accepted and those that are prohibited?

OPINION: We have already stated that a public official may accept free items of nominal value received as a result of attending business related events; however, the GSPC has determined that the aggregate value of items received from a single source may not exceed \$100 in a calendar year. Items which exceed this value may not be kept for the personal benefit of a public official. If an item is useful to the official's public agency employer, it could be donated to the agency. If an item is of no use to the agency, it could be donated to charity. If neither option is viable, the official should not accept the item.

QUESTION NO. 3: Would the opinion to question number 2 be different if the items or prizes were offered at conferences attended equally by public officials and non-public officials?

OPINION: No. Public officials attending such events described in this issue are in attendance by virtue of their public position. The identity of the other attendees has no effect on the public official's own status at the event.

**THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION PURSUANT TO ORS 244.280. A PUBLIC OFFICIAL OR BUSINESS WITH WHICH A PUBLIC OFFICIAL IS ASSOCIATED SHALL NOT BE LIABLE UNDER ORS CHAPTER 244 FOR ANY ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN.**

Issued by Order of the Oregon Government Standards and Practices Commission at Salem, Oregon on the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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Katherine E. Tennyson, Chairperson

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Date

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Lynn Rosik  
Assistant Attorney General

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Date