

September 23, 2002

Randy Bruegman
Fire Chief
Clackamas County Fire District
11300 S.E. Fuller Road
Milwaukie, Oregon 97222

Dear Chief Bruegman:

This is in response to your correspondence dated, September 5, 2002 regarding an invitation to attend an event sponsored by the Central Station Alarm Association.

OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION
STAFF OPINION NO. 02S-024

STATED FACTS: The fire chief of an Oregon fire district is the president of the International Association of Fire Chiefs (IAFC).

The Central Station Alarm Association (CSAA) is holding its annual meeting October 26 through 30, 2002 in Cancun, Mexico. Leaders and members of the IAFC often attend these annual meetings. Other attendees include members of the Association of Public Communications Officials and the National Sheriffs Association.

The CSAA has invited the fire chief and the chief's spouse to attend. The invitation includes paid round-trip airfare for the fire chief only, ground transportation and four nights lodging. The fire chief would personally pay the cost of airfare for the spouse. CSSA indicated that the lodging provided to the spouse does not result in added cost to them as sponsor.

The conference agenda provides for meetings in the mornings and free time in the afternoon. Roundtable discussions are held to discuss how the private sector can support and work with the public sector. The fire chief has been asked to make a presentation as president of the IAFC.

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

244.020(8) "'Gift' means something of economic value given to a public official or the public official's relative 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 the relatives of public officials on the same terms and conditions; and something of economic value given to a public official or the public official's relative for valuable consideration less than that required from others who are not public officials. However, 'gift' does not mean:"

244.020(8)(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, subject to the reporting requirement of ORS 244.060(6)."

244.020(8)(d) "The giving or receiving of food or beverage if the food or beverage is consumed by the public official or the public official's relatives in the presence of the purchaser or provider thereof."

244.020(11) "'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 action or vote of a person acting in the capacity of a public official."

244.020(15) "'Public official' means any person who, when an alleged violation 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: Would it be a violation of Government Standards and Practices law, for the fire chief to accept the offer of the Central Station Alarm Association (CSAA) to pay airfare and lodging expenses to attend their annual meeting in Cancun, Mexico?

OPINION: No. The fire chief is a public official as defined in ORS 244.020(15). As a public official the provisions of Government Standards and Practices laws would apply to his anticipated travel. Payment of the chief's airfare by the CSAA would be viewed as reimbursement of expenses. Reimbursement of expenses is permitted by ORS 244.040(1)(a).

QUESTION NO. 2: Would it be a violation of Government Standards and Practices law, for the fire chief to accept the offer of the CSAA if that organization had an administrative or legislative interest in the position held by the fire chief?

OPINION: No. The fire chief would still be allowed to accept the payment of expenses, but different provisions of ORS Chapter 244 would apply.

The stated facts do not indicate that there is an administrative or legislative interest. If there were an administrative or legislative interest, it would appear that the fire chief would be appearing at an event that bears a relationship to the public office of fire chief. In previous GSPC staff opinions, it has been stated that an event bears a relationship to the public official's office if the public official participates because of the position held and appears at such an event in an official capacity. The proposed travel and event would appear to meet this standard.

According to ORS 244.020(8)(c), the fire chief could accept the gifts 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.

QUESTION NO. 3: Would it be a violation of ORS Chapter 244 law for the spouse to accompany the fire chief to the CSAA annual meeting in Cancun, Mexico?

OPINION: No. The stated facts indicate that the spouse's airfare would not be paid by the CSAA and would apparently be a personal expense. The accompanying spouse would not increase the lodging cost for CSAA. Accordingly, there would be no avoidance of a financial detriment for the fire chief by virtue of the public position held, as prohibited in ORS 244.040(1)(a).

THIS RESPONSE ADDRESSES ONLY THE APPLICATION OF ORS 244 TO THE FACTS STATED HEREIN. ANY RELEVANT INFORMATION, WHICH WAS NOT INCLUDED BY THE REQUESTER OF THIS OPINION IN THE STATED FACTS, COULD COMPLETELY CHANGE THE OUTCOME OF THIS OPINION. OTHER LAWS OR REQUIREMENTS MAY ALSO APPLY. THIS IS NOT A FORMAL ADVISORY OPINION PURSUANT TO ORS CHAPTER 244.280. THIS OPINION DOES NOT EXEMPT A PUBLIC OFFICIAL FROM LIABILITY UNDER ORS CHAPTER 244 FOR ANY ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION. THIS OPINION IS ONLY MY PERSONAL ASSESSMENT AS THE EXECUTIVE DIRECTOR OF THE OREGON STANDARDS AND PRACTICES COMMISSION.

Please contact this office again if you would like this opinion submitted to the Government Standards and Practices Commission for adoption as a formal advisory opinion pursuant to ORS 244.280.

Sincerely,

L. Patrick Hearn
Executive Director

LPH/dc