



Oregon Department of Transportation
ConnectOregon VI
Ethics Review

Preface

This document is an ethics review for those who will be involved in the application review process including modal committee members, regional committee members and final review committee members.

ConnectOregon

ConnectOregon is a lottery funded initiative that ODOT uses to provide grants to public and private entities to invest in air, rail, marine, transit, bicycle and pedestrian infrastructure to ensure Oregon's transportation system is strong, diverse, and efficient. The ConnectOregon selection process is a rigorous review process that involves review from modal committees, regional committees and a final review committee in addition to staff review.

Public Official

According to ORS 244.020(14), "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 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.

This includes:

- Public Employees
- Elected Officials
- Members of Boards and Commissions
- Volunteers
- Relative:
 - ORS 244.020(15) "Relative" means:
 - (a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;
 - (b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate;
 - (c) Any individual for whom the public official or candidate has a legal support obligation;
 - (d) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment; or
 - (e) Any individual from whom the candidate receives benefits arising from that individual's employment.

Safeguard of the Public Trust

"The Legislative Assembly declares that service as a public official is a public trust, and that as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter." ORS 244.010 (1)

Conflict of Interest

In brief, a public official is met with a conflict of interest when participating in an official action could result in a financial effect to the public official, a relative of the public official or a business with which either are associated.

Statutory conflicts of interest have three components:

1. An **“action”**, **“decision”**, or **“recommendation”** made in an **“official capacity”**, which causes;
2. A private pecuniary benefit or detriment, for;
3. The **“public official”**, the public officials **“relative”**(s), or a **“business associated with which the person is associated”**, the public official or the public official’s relative.

Types of Conflict of Interest

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(12).

Actual Conflict of Interest

- Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the persons relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (12) of this section.
- *If the financial effect of an action is both **specific** and **certain**, then that action presents an actual conflict of interest.*

Potential Conflict of Interest

- Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the persons relative, or a business with which the person or the persons relative is associated, 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 persons 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 the persons relative or business with which the person or the persons relative is associated, is a member or is engaged.
 - (c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

When to Declare a Conflict of Interest

Officials on Boards or Commissions and Elected Officials ORS 244.120(2)

- When any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which **would** be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or the person's relative or any business with which the person or a relative of the person is associated.
- When any action or any decision or recommendation by a person acting in the capacity as a public official, the effect of which **could** be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated
- Disclosure must occur when appointed officials are met with a conflict of interest, regardless whether the conflict is actual or potential.

How to Declare a Conflict of Interest

Officials on Boards or Commissions & Elected Officials ORS 244.120(2)

- Must publicly announce the nature of the conflict of interest on each occasion the conflict arises.
- Must publicly announce **potential** conflicts of interest, on each occasion **before taking action**.
- Must publicly announce **actual** conflicts of interest, on each occasion, and **refrain** from participating in **discussion, debate, or voting** on the issue out of which the actual conflict arises.

For more information

Oregon Government Ethics Commission
<http://www.oregon.gov/OGEC/Pages/generalinfo.aspx>

Communications and Outreach

The ConnectOregon Web site, <http://www.oregon.gov/ODOT/COMM/CO/index.shtml>, will contain up-to-date information about the program. Also an electronic newsletter will provide interested groups and individuals with the latest news. Sign up for the electronic newsletter on the ConnectOregon web site.

Questions

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