Columbia River Gorge Commission

Chapter 350

Division 014

Conflict of Interest

As Amended through September 1, 2026

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350-014-0010. Definitions for Division 14 of the Gorge Commission's Rules

(1) "Action" means any action on the part of the Gorge Commission, including:

(a) A decision, determination, finding, ruling or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(2) "Appearance" means the act of performing or participating in an event.

(3) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person. "Assist" does not include referring, without recommending, person to other persons or sources of advice and information, and other non-substantive advice or assistance, consistent with 350-014-0110.

(4) "Beneficial interest" means a financial interest in a contract, sale, lease, purchase, or grant to which an individual subject to the act is not a party but is an owner of an entity that is a party. An ownership interest of less than 10 percent of an entity is not a beneficial interest. However, an ownership interest in a mutual fund or similar investment pooling fund in which the owner has no management powers does not constitute a beneficial interest in the entities in which the fund or pool invests.

(5) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

(6) "Business with which the person is associated" means:

(a) Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner, or employee, or agent or any private business or closely held corporation in which the person or the person's relative owns or has owned stock worth $1,000 or more at any point in the preceding calendar year.

(b) Any publicly held corporation in which the person or the person's relative owns or has owned $100,000 or more in stock or another form

of equity interest, stock options or debt instruments at any point in the preceding calendar year;

(c) Any publicly held corporation of which the person or the person's relative is a director or officer; or

(d) For members of the Gorge Commission required to file a statement of economic interest under ORS 244.050 or RCW chapter 29B, any business listed as a source of income as required under ORS 244.060(3) or RCW 29B.55.030(1)(d).

(7) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.

(8) "Gorge Commission" means the Columbia River Gorge Commission.

(9) "Gift" means:

(a) Something of economic value given to a public official or a relative or member of the public official's household:

(A) 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 or members of the household of public officials on the same terms and conditions; or

(B) For valuable consideration less than that required from others who are not public officials.

(b) "Gift" does not mean:

(A) Gifts from relatives or members of the household of the public official.

(B) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item, with a resale value reasonably expected to be less than $25.

(C) Informational or program material, publications or subscriptions related to the recipient's performance of official duties.

(D) Admission provided to or the cost of food or beverage consumed by a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official at a reception, meal or

meeting held by an organization when the public official represents the Gorge Commission.

(E) Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which the Gorge Commission pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent the Gorge Commission.

(F) Waiver or discount of registration expenses or materials provided to a public official or candidate at a continuing education event that the public official may attend to satisfy a professional licensing requirement.

(G) Expenses provided by one public official to another public official for travel inside Oregon or Washington to or from an event that bears a relationship to the receiving public official's office and at which the official participates in an official capacity.

(H) Food or beverage consumed by a public official at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

(I) Entertainment provided to a public official or a relative or member of the household of the public official that is incidental to the main purpose of another event.

(J) Entertainment provided to a public official or a relative or member of the household of the public official where the public official is acting in an official capacity while representing the Gorge Commission or that is incidental to the main purpose of another event.

(K) Food, beverages or both provided to a public official by a public body during meetings or other official events held by the public body or as otherwise required to be provided by law or rule of Oregon or Washington.

(L) Merchandise provided to a public official by a public body if the cost of the merchandise does not exceed $100 in a calendar year.

(M) Anything of economic value offered to or solicited or received by a public official or a relative or member of the household of the public official:

(i) As part of the usual and customary practice of the person's private business, or the person's employment or position as a volunteer with a private business, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, not-for-profit corporation or other legal entity operated for economic value; and

(ii) That bears no relationship to the public official's holding of the official position.

(10) "Honorarium" means money or thing of value offered to a public official for a speech, appearance, article, or similar item or activity in connection with the public official's official duty.

(11) "Income" means income of any nature derived from any source, including any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of indebtedness, or anything of economic value.

(12) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official.

(13) "Member of household" means the spouse or domestic partner of the public official, and any dependent children or dependent relatives of either who reside with the public official.

(14) "Official duty" means those duties within the specific scope of employment or appointment of the public official as defined by the Gorge Commission, a public official of the Gorge Commission, Gorge Commission rule, or other law.

(15) "Official position" means holding an office or having authority.

(16) "Participate" means to participate in action or a proceeding personally and substantially as a public official, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise.

(17) “Person” means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

(18) “Potential conflict of interest” means 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 person’s relative, or business with which the person or the person’s 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 person’s official capacity which would affect to the same degree a class consisting of all inhabitants of Oregon or Washington or both, or a smaller class consisting of an industry, occupation, or other group including one of which or in which the person, or the person’s relative or business with which the person or person’s 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.

(19) “Public official” means any person who is serving in a governmental capacity for the Gorge Commission as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

(20) “Relative” means:

(a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official;

(b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official;

(c) Any individual for whom the public official 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

(21) “Thing of economic value,” in addition to its ordinary meaning, includes:

(a) A loan, property interest, interest in a contract or other chose in action, and employment or another arrangement involving a right to compensation;

(b) An option, irrespective of the conditions to the exercise of the option; and

(c) A promise or undertaking for the present or future delivery or procurement.

(22) “Transaction involving the Gorge Commission” means:

(a) A proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that a current or former public official, as defined in this division, believes, or has reason to believe:

(A) Is, or will be, the subject of Gorge Commission action; or

(B) Is one to which the Gorge Commission is or will be a party; or

(C) Is one in which the Gorge Commission has a direct and substantial proprietary interest.

(b) “Transaction involving the Gorge Commission” does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the Gorge Commission that is the basis for the claim, case, or lawsuit.

350-014-0020. Application

(1) Generally, this division applies to current public officials of the Gorge Commission and to relatives and members of a public official’s household as specified in each provision; however, many of the limitations on current public officials also apply to former public officials, such as limitations on assisting in transactions, having a direct financial benefit in a contract, and employment after public service. Former public officials of the Gorge Commission are advised to seek legal advice on the applicability of and compliance with Oregon and Washington law concerning their limitations after public service.

(2) Nothing in this division is intended to affect:

(a) Any other statute or rule requiring disclosure of economic interest by a public official or public employee.

(b) Any statute or rule prohibiting or authorizing specific conduct on the part of any public official or public employee.

(3) This division does not prevent a public official from giving testimony under oath or from making a statement required to be made under penalty of perjury or contempt.

350-014-0030. Activities Incompatible with Official Duties

(1) No public official may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the public official's official duties.

(2) A public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

350-014-0040. Beneficial Interests in Transactions

(1) No public official may have a beneficial interest in a contract, sale, lease, purchase, or grant that may be made by, through, or is under the supervision of the official, in whole or in part, or accept any compensation, gratuity, or reward from any other person who has a beneficial interest in the contract, sale, lease, purchase, or grant.

(2) No public official may participate in a transaction involving the Gorge Commission in his or her official capacity with a person of which the official is an officer, agent, employee, or member, or in which the official owns a beneficial interest.

(3) Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

(4) No public official may solicit or receive, either directly or indirectly, and a person may not offer or give to any public official any pledge or promise of future employment, based on any understanding that the vote, official action or judgment of the public official would be influenced by the pledge or promise.

350-014-0050. Assisting in Transactions

(1) Except in the course of official duties or incident to official duties, a public official, as defined in this division, may not assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the Gorge Commission:

(a) In which the public official has at any time participated; or

(b) If the transaction involving the Gorge Commission is or has been under the official responsibility of the public official within a period of two years preceding such assistance.

(2) No public official may share in compensation received by another for assistance that the officer or employee is prohibited from providing under section (1) or (3) of this rule.

(3) A business entity of which a public official is a partner, managing officer, or employee shall not assist another person in a transaction involving the Gorge Commission if the public official is prohibited from doing so by section (1) of this rule.

(4) This rule does not prevent a public official from assisting in a transaction involving the Gorge Commission:

(a) The public official's parent, spouse, or child, or a child thereof for whom the public official is serving as guardian, executor, administrator, trustee, or other personal fiduciary, if the public official did not participate in the transaction; or

(b) Another employee involved in disciplinary or other personnel administration proceedings.

350-014-0060. Confidential Information – Improperly Concealed Records

(1) No current or former public official may accept employment or engage in any business or professional activity that the official might reasonably expect would require or induce them to make an unauthorized disclosure of confidential information acquired by the official by reason of the official's official position.

(2) No current or former public official may make a disclosure of confidential information gained by reason of the official's official position or otherwise use the information for their personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the Gorge Commission and (b) the person or persons who have authority to waive the confidentiality of the information.

(3) No current or former public official may disclose confidential information to any person not entitled or authorized to receive the information.

(4) No current or former public official may intentionally conceal a record if the official knew the record was required to be released under Commission Rule chapter 350, division 12, was under a personal obligation to release the record, and failed to do so. This section does not apply where the decision to withhold the record was made in good faith.

350-014-0070. Compensation for Official Duties or Nonperformance

No public official may, directly or indirectly, ask for or give or receive or agree to receive any compensation, gift, reward, or gratuity from a source for performing or omitting or deferring the performance of any official duty, unless otherwise authorized by law except an official compensation package as determined by the Gorge Commission.

350-014-0080. Compensation for Outside Activities

(1) No employee of the Gorge Commission may receive any thing of economic value under any contract or grant outside of their official duties. The prohibition in this section does not apply where the employee has met each of the following conditions:

(a) The contract or grant is bona fide and actually performed;

(b) The performance or administration of the contract or grant is not within the course of the employee's official duties, or is not under the employee's supervision;

(c) The performance of the contract or grant is not prohibited by Commission Rule 350-014-0050 or by applicable laws or rules governing outside employment for the employee;

(d) The contract or grant is neither performed for nor compensated by any person from whom such employee would be prohibited by this division from receiving a gift;

(e) The contract or grant is not one expressly created or authorized by the employee in their official capacity;

(f) The contract or grant would not require unauthorized disclosure of confidential information.

(2) In addition to satisfying the requirements of section (1) of this rule, an employee may have a beneficial interest in a grant or contract or a series of substantially identical contracts or grants with the Gorge Commission only if:

(a) The contract or grant is awarded or issued as a result of an open and competitive bidding process in which more than one bid or grant application was received; or

(b) The contract or grant is awarded or issued as a result of an open and competitive bidding or selection process in which the employee's bid or proposal was the only bid or proposal received and the employee has been advised by the executive director of the Gorge Commission, the Gorge Commission's counsel, or appropriate ethics board, before execution of the contract or grant, that the contract or grant would not be in conflict with the proper discharge of the employee's official duties; or

(c) The process for awarding the contract or issuing the grant is not open and competitive, but the employee has been advised by the executive director of the Gorge Commission, the Gorge Commission's counsel, or appropriate ethics board after the contract or grant has been awarded that the contract or grant would not be in conflict with the proper discharge of the employee's official duties.

(3) An employee awarded a contract or issued a grant in compliance with subsection (2) of this section shall file the contract or grant with the Gorge Commission within thirty days after the date of execution; however, if proprietary formulae, designs, drawings, or research are included in the contract or grant, the proprietary formulae, designs, drawings, or research may be deleted from the contract or grant filed with the Gorge Commission.

(4) This section does not prevent an employee from receiving compensation contributed from the treasury of the United States, another state, county, or municipality if the compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and the Gorge Commission. This section does not prohibit an employee from serving or performing any duties under an employment contract with a governmental entity.

350-014-0090. Honoraria

(1) No public official or member of the public official's household may solicit or receive, whether directly or indirectly, honoraria unless specifically authorized by the Gorge Commission.

(2) The Gorge Commission may not permit honoraria under the following circumstances:

(a) The person offering the honorarium is seeking or is reasonably expected to seek contractual relations with or a grant from the Gorge Commission, and the public official is in a position to participate in the terms or the award of the contract or grant;

(b) The person offering the honorarium is regulated by the Gorge Commission and the public official is in a position to participate in the regulation; or

(c) The person offering the honorarium:

(A) Is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of administrative rules or actions, or policy changes by the Gorge Commission; and

(B) The public official may participate in the enactment or adoption of the legislation or administrative rules or policy changes.

350-014-0100. Gifts

During a calendar year, a public official, a candidate or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of $50 from any single source that could reasonably be known to have a legislative or administrative interest.

350-014-0110. Use of Person, Money or Property for Private Gain

(1) No public officer or employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This rule does not prohibit the use of public resources to benefit others as part of a public official's official duties or in situations for which the appropriate state ethics board in Washington or Oregon has adopted rules, policies, or an opinion providing for an exception to the use of public

resources for occasional use with de minimis cost and value and the activity does not interfere with the proper performance of official duties.

350-014-0120. Declaration of Potential Conflicts – Methods of Handling Potential Conflicts

(1) When met with an actual or potential conflict of interest, a member of the Gorge Commission shall:

(a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any official action thereon in the capacity of a public official; or

(b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

(A) Except as provided in paragraph (B) of this subsection, refrain from participating as a public official in any discussion and debate on the issue out of which the actual conflict arises and from voting on the issue.

(B) If a member of the Gorge Commission's vote is necessary to satisfy the quorum requirement in 16 U.S.C. § 544c(a)(4), be eligible to vote, but not to participate in any discussion or debate on the issues out of which the actual conflict arises.

(2) When a public official gives notice of an actual or potential conflict of interest, the Gorge Commission shall record the actual or potential conflict in the official records of the Gorge Commission.

(3) Nothing in section (1) of this rule requires any public official to announce a potential conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so.

350-014-0130. Ex Parte Communications, Bias, and Appearance of Fairness

The Gorge Commission's rules governing ex parte communications, bias, and appearance of fairness standards are contained in division 16 of the Gorge Commission's rules.