

**REVENUE: No revenue impact**

**FISCAL: No fiscal impact**

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**Action:** Do Pass  
**Vote:** 5 - 0 - 0  
**Yeas:** Beyer, Burdick, Ferrioli, Starr, Rosenbaum  
**Nays:** 0  
**Exc.:** 0  
**Prepared By:** Lori Brocker, Administrator  
**Meeting Dates:** 4/10

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**WHAT THE MEASURE DOES:** Modifies language relating to government ethics violations aligning civil penalty imposition with procedures prescribed by Administrative Procedures Act. Declares an emergency, effective on passage.

**ISSUES DISCUSSED:**

- Current practice of Oregon Government Ethics Commission (OGEC) in contested hearings
- Possible amendment
- No fault stipulated final order language
- Authority of OGEC to dismiss case with no finding of fault

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Oregon Revised Statute 244.370 requires that the Oregon Government Ethics Commission (OGEC) conduct a hearing in all cases prior to the imposition of a penalty, unless the public official or candidate waives the hearing. The public official or candidate to whom notice is addressed has 10 days from the date of service of the notice in which to waive a hearing before the OGEC.

In 1999, the legislature required that, with a few exceptions, an agency send contested hearings to the Office of Administrative Hearings. OGEC was not one of the exceptions. Since 1999, OGEC has used the Office of Administrative Hearings for contested case hearings. Therefore, the language in ORS 244.370 is being removed in order to conform statute to the practice of the OGEC. The change has no substantive effect on the contested case process currently used by the OGEC.

In accordance with the Administrative Procedures Act (ORS Chapter 183), House Bill 2080 would require that a person be notified that a civil penalty has been imposed by OGEC. It would also provide 20 days from the date of service of the notice to make written application for a hearing. If a person does not make a request for hearing, OGEC may issue a final order imposing the penalty, due and payable 10 days after the order is finalized.