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House Committee on Business and Labor
Rep. Paul Holvey, Chair
Oregon Legislative Assembly
Salem, OR 97301

Chair Holvey and members of the Committee:

I am pleased to learn that the Committee is scheduled to take up HB 2191 at Monday's hearing.

I pre-session filed a similar bill in December when I was serving as your Secretary of State (HB 2354). I submitted the draft for filing because Oregon had, over the two years I served as Secretary of State, more than one notable instance of registered agents who failed to live up to the ethical as well as legal standards that we should expect of those who are filing on behalf of Oregon businesses.

It was difficult for me to answer "why" we were not able to proactively protect against agents who repeatedly filed businesses with our Corporations division which in some cases, were engaging in fraud, and in others had no real business presence in our state. We were aware often that the agents could not provide basic information when requested; and were serving really only as Oregon facades, or mailbox locations rather than actual agents.

I learned during my service as Secretary of State that this was a difficult issue and one that needed careful response so as not to make business formation in Oregon more difficult.

I also received feedback on my bill draft from attorneys and others who were concerned that requiring registration of agents, with training and ethical standards, would create a financial and administrative burden on legitimate law firms that have many business clients for which they serve as registered agents.

I hope the Committee will continue to discuss this issue and find a way to address these initial concerns. I believe there are likely ways to provide exemption for agents who are already professionally registered and hold ethical responsibilities for which other agencies are the enforcers – like attorneys. It was my intent when the bill was filed that we find a way to discourage otherwise unregulated commercial agents who have been found to do a great disservice to the public in our state.

I am happy to discuss this further, but write today only to encourage the Committee to seriously consider this matter and move forward with a bill that would allow the Corporation Division and other state agencies to get ahead of the curve by establishing standards for registered agents in our state.

Jeanne Atkins