



# Oregon

Kate Brown, Governor

Board of Accountancy

3218 Pringle Rd SE Ste 110

Salem, OR 97302-6307

503-378-4181

FAX 503-378-3575

[www.oregon.gov/BOA/](http://www.oregon.gov/BOA/)

**Before the  
Senate Business and Transportation Committee  
February 1, 2017  
SB 21**

**Testimony of  
Martin Pittioni, Executive Director  
Board of Accountancy**

Chair Sen. Beyer, Vice-Chair Senator Thomsen, Members of the Committee, for the record, my name is Martin Pittioni, and I have served the Board as its Executive Director since November of 2012. Thank you for allowing me to appear before you to testify briefly about the Board-requested Senate Bill 21, and thank you for the early hearing. My focus in brief testimony before you today is on language and operational impacts.

First, I appreciate the opportunity to put on the record that the language was crafted in very close consultation with legislative counsel, and is modeled after existing statutory language allowing health regulatory boards to share confidential investigatory information. Second, SB 21 language is crafted very narrowly. All the language does is lift - for purposes of cooperation with law enforcement and state and federal regulatory entities only - the veil of confidentiality imposed by ORS 673.170(3)(b) which provides that: *"Investigatory information developed or obtained by the board is confidential and not subject to disclosure by the board unless a notice is issued for a contested case hearing or the matter investigated is finally resolved by board action or a consent order."*

Operationally, this means the language under that specified circumstance allows the Board to release records during the pendency of an investigation, without forcing the requestor to go through a subpoena process, and permits the Board to discuss the case with authorities.

Just as important is what SB 21 does not allow. Since the language specifically only references in section 1 the all-important limitation of *"notwithstanding ORS 673.170"* the bill does not allow the Board to release information that is otherwise confidential by law, meaning information made confidential in other statutes. For example, that would include, but is not limited to, the Board's authority to receive confidential information from the Department of Revenue (DOR) under its ORS 673.415 and DOR's 314.991. This means this bill would for example not open the door for the Board to release information it receives from DOR under ORS 314.991 and release it to a requestor.

Thank you again for your early consideration of Senate Bill 21. Mr. Wright and I would be happy to answer any questions from the committee.

