**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.