

**GOVERNMENT-TO-GOVERNMENT
2023 ACTIVITY REPORT**

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

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PROGRAMS AND SERVICES:

The mission of the Department of Consumer and Business Services is to protect and serve Oregon’s consumers and workers while supporting a positive business climate.

DCBS is Oregon’s largest consumer protection and business regulatory agency. We are a resource to consumers and businesses in the areas of workers’ compensation, occupational safety and health, financial services, insurance, and building codes.

Our goals:

- Protect consumers and workers in Oregon.
- Regulate in a manner that supports a positive business climate.
- Be accountable to the public we serve, with excellent service to our customers.

DEPARTMENTAL STATEMENT:

The Department of Consumer and Business Services promotes positive relationships between the department and the nine federally recognized tribes in Oregon. Although few DCBS regulatory programs affect the tribes because of the tribes’ sovereign status, there are occasions when the tribes choose to receive services. In addition, the department provides education and outreach to the tribes on issues such as homeownership, insurance and financial preparedness for wildfires, and workplace safety and health. DCBS has an agencywide policy that promotes such communication.

In 2021, the Oregon Legislature passed, and Gov. Kate Brown signed, House Bill 2167 – the Racial Justice Council Codification bill into law. The law directs state agencies to take racial equity considerations in their plans and actions to promote and practice social justice and fairness for underserved and underrepresented communities, including tribal communities. In 2022, DCBS created a community engagement plan as a road map that will help us, in collaboration with our community partners, determine where we are and where we need to go. Our goal is greater community engagement with underserved and underrepresented communities so we can correct historical inequities and better perform the agency’s mission.

A. BUILDING CODES DIVISION (BCD)

1. Issue Name:

Building department services

Issue Description:

The Confederated Tribes of Umatilla Indian Reservation (CITUR) has previously requested that the division provide plan review, inspection, and building official services on certain projects on tribal land. The division has had an intergovernmental agreement with the tribe since 2014.

Action Taken:

Through its Pendleton field office, the Building Codes Division will continue to provide the services as requested. The current agreement provides availability to the services of a building official by phone during normal business hours; this service is available only for projects related to residential structures and for which commercial plan review has previously been conducted or is in progress by DCBS.

Actions Planned:

The division will continue to provide building department services as requested by the tribes. The current intergovernmental agreement expired on March 1, 2022, but has been extended until March 2025.

2. Issue Name:

Boiler and elevator consultation inspection services

Issue Description:

Occasionally, a tribe will request a consultation inspection regarding boiler or elevator equipment located and operated on tribal lands. These requests come at irregular intervals and affect a different program than the site-built inspection services described in the first issue. The division charges an hourly rate for consultation inspection services in this program.

Action Taken:

The division provides consultation inspection services through the boiler and elevator programs as requests are received.

Actions Planned:

The division will continue to provide boiler- and elevator-related services as requested by the tribes.

B. WORKERS' COMPENSATION DIVISION (WCD)

1. Issue Name:

Subjectivity of tribal-affiliated businesses operating on nontribal lands

Issue Description:

Because of their sovereign status, tribes are not subject to Oregon workers' compensation law. Tribes can elect workers' compensation coverage through Oregon's workers' compensation system. When a tribe or tribal enterprise elects to obtain coverage through Oregon's workers' compensation system, the procedures and benefits under the state system apply. The subjectivity of two tribal-affiliated businesses were evaluated during the past year by WCD's Employer Compliance Unit (ECU) field staff.

Action Taken:

WCD staff members evaluated the subjectivity of these two entities based on previous advice provided by the Oregon Department of Justice (DOJ). Like tribes, businesses created by a tribe under its powers of self-government possess sovereign immunity, even when not operating on tribal land. WCD does not have the authority to require entities with sovereign immunity to maintain workers' compensation coverage or assume liability for claims.

Action Planned:

WCD will continue to evaluate subjectivity based on the advice provided by DOJ. Additionally, WCD, through ECU, will dedicate time in 2024 to establishing more formal outreach to Oregon tribes to discuss these issues and establish a mutual understanding regarding the importance of workers' compensation coverage for employers.

2. Issue Name:

Outreach through the Northwest Native Chamber's (NWNC) annual Gathering

Issue Description:

The Gathering, NWNC's signature event, was an opportunity for members, partners, and the Native business community to network, celebrate, and support the work of the chamber and its Student Academic Award program. This year's gathering brought together tribal representatives, corporate partners, and community leaders, as well as city, county, state, and federal agencies to celebrate Native excellence through food, fashion, and music. The NWNC issues more than 300 grants annually to Native entrepreneurs and assists in the development and expansion of the Native American private sector, making a positive effect on reservation communities.

Action Taken:

Sarah Jones, field investigator for WCD's ECU and a tribal member herself, attended the event and made meaningful connections with other attendees. Sarah had the chance to network with young entrepreneurs and business owners, promoting WCD's various programs and providing education regarding workers' compensation laws.

Action Planned:

WCD will continue to participate in outreach events to help ensure meaningful connections with the tribes are made and maintained.

C. DIVISION OF FINANCIAL REGULATION (DFR)

1. Issue Name:

DFR Outreach Sponsorship Program

Issue Description:

The DFR outreach team initiated a sponsorship program for organizations that engage in financial empowerment work. The sponsorship program's goal is for consumers in underserved communities to gain increased awareness of the division's services and resources, and to develop increased capacity to make good decisions about insurance and financial services. The desired outcome is for the sponsored organization, and the consumers they serve, to gain increased awareness of DFR as a trusted source of information on insurance and financial services.

Actions Taken:

In 2023, DFR awarded five sponsorship contracts of \$25,000 each. Priority was given to organizations whose activities address the needs of underserved communities, especially African Americans, Latino, Latina and Latinx people, Native Americans, Asians and Pacific Islanders, other people of color, immigrants and refugees, youth who are underserved, LGBTQ+ people, survivors of domestic violence, formerly incarcerated people, people with disabilities, and seniors. Additional priority was given to organizations serving women in underserved communities.

Two out of the five organizations selected for 2023 were tribal organizations:

- Nixyaawii Community Financial Services (NCFS) serves the Confederated Tribes of the Umatilla Indian Reservation. NCFS's mission is to improve the financial well-being of individuals and families in the Umatilla Indian Reservation community through loans and development services. In 2023, DFR collaborated with NCFS in providing NCFS clients with presentations on home and renters insurance, student loan forgiveness programs and student loan repayment options, and DFR's consumer advocacy services. DFR also partnered with NCFS by participating in the Nixyaawii Neighborhood Ribbon Cutting Celebration and the Nixyaawii Community Picnic by hosting a table at these events and distributing consumer protection resources. NCFS also helped to amplify DFR's social media messaging throughout the year.
- The Warm Springs Community Action Team (WSCAT) serves the Warm Springs Indian Reservation and Burns Paiute Reservation. WSCAT's mission is to promote community development in Warm Springs by empowering individuals and groups of people to realize their potential, become self-reliant, and affect positive change for themselves, their families, and their community. In 2023, DFR collaborated with WSCAT on delivering presentations on homeowner's insurance, budgeting, student loans, and insurance basics to WSCAT clients and Native high school students. DFR also participated in the Pi-Ume-Sha Health Fair in Warm Springs and distributed consumer protection resources to attendees.

Actions Planned:

The DFR Outreach Sponsorship Program will be offered again in 2024. For the second year in a row, WSCAT was awarded one of four \$25,000 contracts.

WSCAT has laid out clear plans for how the DFR outreach team will partner with them in 2024, including using DFR materials in their financial education classes, having DFR staff members facilitate classes, and hosting DFR at community events. WSCAT will also share DFR social media postings and promote DFR services in their local media outlets.

2. **Issue Name:**

Access to affordable bank and credit union accounts

Issue Description:

DFR is a member of the Bank On Oregon Coalition. The Bank On initiative is a nationwide movement to reduce barriers to banking access and increase the availability of safe and affordable bank and credit union accounts for consumers. Accounts that meet a set of national standards can earn a Bank On certified account designation. There are currently 21 Bank On certified accounts available in Oregon. According to the Federal Deposit Insurance Corporation's National Survey of Unbanked and Underbanked Households (2021), 6.9 percent of Native American households are unbanked, meaning they do not have a basic transaction account and instead rely on alternative financial services, including check cashing, money orders, prepaid cards, and bill pay services. These services can be very expensive. The Bank On Oregon Coalition works to increase the availability of Bank On certified accounts within the state and connect consumers to these accounts.

Actions Taken:

In 2023, representatives of WSCAT were guest presenters at a Bank On Oregon Coalition meeting and shared the lived-experiences of tribal members as they engage with financial institutions. This was an opportunity for banks and credit unions to listen and work to provide more culturally responsive customer service.

In addition, DFR's Bank On Oregon Coalition representative delivered a presentation about Bank On at the Dec. 5 Economic Development and Community Services State-Tribal Cluster Meeting. The presentation focused on reasons consumers give for not having a bank account, the guiding principles of the Bank On initiative, the 2023-2024 National Account Standards, and the specific goals and accomplishments of the Bank On Oregon Coalition.

Actions Planned:

The Bank On Oregon coalition holds six meetings a year and welcomes tribal participation and consultation to advance the goals of the initiative. The coalition will continue to consult with tribal organizations to reduce barriers to banking access and ensure that all consumers have access to safe and affordable bank and credit union accounts.

3. **Issue Name:**

Disaster preparedness

Issue Description:

DFR engages in education and outreach to prepare communities for disasters by using insurance and taking action to safeguard their finances. Wildfires have become an increasing problem for rural communities, and some tribal lands are susceptible to wildfire damage. Tribal communities are also at risk of damage caused by earthquakes, storms, tsunamis, landslides, and flooding.

Actions Taken:

DFR participated at the Oregon Prepared Conference and the 2023 Oregon Emergency Management Association Conference. DFR staff consulted with tribal emergency managers and planners at the conference and provided them with access to DFR's financial preparedness publications, including the Consumer Guide to Earthquake Insurance, Disaster Scam Booklet, and Financial Preparedness Checklist. DFR also provided information on how to access DFR's consumer advocacy resources and offered to table at preparedness events and provide presentations on how to be more financially resilient when disaster strikes.

DFR staff members also engaged with Oregon Department of Emergency Management officials who serve as liaisons to tribal emergency offices. DFR's effort to build relationships with tribal and state emergency managers will help communities to best utilize DFR's disaster preparedness and recovery resources.

Actions Planned:

In 2024, DFR staff members will continue to consult with tribal emergency managers through participation in the Economic Development and Community Services Tribal Cluster, partnership with Oregon Department of Emergency Management, and participation at the Oregon Prepared and Oregon Emergency Management Association conferences.

4. **Issue Name:**

Tribal health site visits with Oregon Health Insurance Marketplace

Issue Description:

DFR's consumer liaison, in partnership with the Oregon Health Insurance Marketplace's tribal liaison, conducted outreach to tribal health facilities for the purposes of raising awareness about the marketplace, DFR's consumer advocacy services, and how the agencies can work together to serve tribal communities particularly around health insurance and other types of insurance.

Actions Taken:

DFR Consumer Liaison Karla Martinez traveled with Marina Cassandra of the Oregon Health Insurance Marketplace on:

April 27 – Warm Springs Health & Wellness clinic
May 26 – Siletz Community Health Clinic

This outreach to tribal health clinics included meetings with clinic directors, where DFR provided updates and answered questions about insurance.

Actions Planned:

DFR’s tribal contact will continue collaborating with the tribal liaison at Oregon Health Insurance Marketplace to reach out to tribal health sites in 2024.

5. Issue Name:

Native Caring Conference participation

Issue Description:

In collaboration with the Oregon Department of Human Services, the annual Native Caring Conference is a two-day event designed to support and offer resources to Native American family caregivers, including kinship givers, who are caring for their loved ones.

Actions Taken:

DFR’s consumer liaison represented the division at the 2023 conference hosted by the Cow Creek Bank of Umpqua Tribe of Indians. DFR hosted a table at the event and provided DFR resources and answered attendee questions for the approximately 150 participants.

Actions Planned:

DFR’s consumer liaison and tribal contact will participate in the conference in 2024.

6. Issue Name:

The Oregon Health Plan (OHP) and Oregon Health Insurance Marketplace Tribal Collaborative

Issue Description:

The OHP and Oregon Health Insurance Marketplace Tribal Collaborative is a bimonthly meeting for tribal health professionals to get updates on the Oregon Health Plan and the Oregon Health Insurance Marketplace.

Actions Taken:

On July 27 Karla Martinez, DFR’s consumer liaison and tribal, was introduced to the collaborative and presented on behalf of the division. Topics included consumer advocacy information and how DFR engages with tribal communities.

Actions Planned:

DFR will reach out to collaborative meeting organizers to present again in 2024.

7. **Issue Name:**
Warm Springs Family Summit

Issue Description:

The Warm Springs K-8 Academy holds a Family Summit to provide parenting education and support resources to community members.

Actions Taken:

DFR's consumer liaison and tribal contact staffed a table at the event on April 27, provided DFR resources, and answered participant questions related to insurance and financial services.

Actions Planned:

DFR intends to participate in a 2024 Family Summit if one is offered and if DFR is invited to attend.

8. **Issue Name:**
Health Insurance Enforcement Consult

Issue Description:

DFR became aware of an unlicensed insurance company offering insurance in the state that focused on providing insurance to tribal and nontribal members. As a part of its enforcement work, DFR consulted with one tribe and others to assess whether they had heard of or were buying insurance from the unlicensed insurer.

Actions Taken:

- In April, consulted with the Governor's Office policy adviser on tribal issues regarding unlicensed activity in health insurance that focused on tribal and nontribal members. This generated a letter from Insurance Commissioner-DCBS Director Andrew Stolfi to all tribes asking consultation on the issue.
- In May, provided a presentation on unlicensed health insurance activity to the Legislative Commission on Indian Services.
- In June, Director Stolfi and DFR Administrator TK Keen had an in-person consultation with leaders of the Confederated Tribes of the Umatilla Reservation.

Actions Planned:

No additional actions are planned at this time on the topic.

DFR general activities:

- Craig Vattiat, financial education and outreach coordinator, attended the Economic Development and Community Services State-Tribal Cluster meetings in February, April, and December.
- Karla Martinez attended the SB 770 Health & Human State-Tribal Cluster meetings in January, April, July, and October.

Actions planned:

DFR will continue its engagement with tribes through the Economic Development and Community Services Cluster and the SB 770 Health and Human Tribal Cluster.

D. OCCUPATIONAL SAFETY AND HEALTH DIVISION (Oregon OSHA)

Tribal lands, including reservations and trust lands, pose a unique jurisdictional situation with regard to occupational safety and health regulations. Federal OSHA has jurisdiction over tribal governments and tribal enterprises, as well as private-sector businesses performing work on tribal and trust lands. Federal OSHA requires states to maintain jurisdiction over public-sector employers performing work on tribal lands. Because federal and state occupational safety and health standards are nearly identical, this separation of authority has caused little or no confusion for affected employers and employees. Oregon OSHA maintains a close working relationship with federal OSHA, so either agency can help employers and employees and direct them to the appropriate resources.

1. Issue Name:

Occupational safety and health education, consultation, and the Resource Center

Issue Description:

Although Oregon OSHA does not have regulatory jurisdiction over tribal governments and enterprises, the division makes education, consultation, and Resource Center services available to these entities at no cost.

Actions Taken:

Oregon OSHA provides safety and health outreach services to the nine federally recognized tribes in Oregon by offering – upon request – consultations, conferences, virtual and in-person workshops, online training, and education. For the period of Oct. 1, 2022, through Sept. 30, 2023, the following services were provided to members of the Oregon tribes:

Consultations:

- Oregon OSHA received no requests to provide consultative services to tribal employers in 2023.

Resource Center – Lending Library:

- Oregon OSHA fulfilled two requests for safety and health videos.

Public Education Training Courses:

- Eighty-three tribal members completed Oregon OSHA online training courses where they self-identified tribal membership in their registration information.
- Workshops: Ten tribal members attended the following in-person:
 - Accident Investigation (one person)
 - Hazard Identification and Control (two people)

- Forklift Safety (four people)
- Safety Meetings and Committees (one person)
- Hazard Communication Aligned with GHS (one person)
- Lockout/Tagout and Machine Safeguarding (one person)

Safety and Health Conferences:

Oregon OSHA co-sponsored a full schedule of safety and health conferences in 2023. Tribal members attended the conferences as follows:

- Southern Oregon Occupational Safety and Health Conference, Ashland, Oregon (one person)
- Mid-Oregon Construction Safety Summit, Bend, Oregon (11 people)
- Governor’s Occupational Safety & Health (GOSH) Conference, Portland, Oregon (nine people)

Oregon OSHA also offered a Spanish language conference for workers, but did not collect personal or employment data on these individuals to offer privacy to these attendees.

Actions Planned:

Oregon OSHA will continue to provide consultations, education, Resource Center services, and community engagement activities. Oregon OSHA will continue to seek opportunities to make presentations to tribal entities or associations on safety or health topics, as well as the occupational safety and health services available to them. In addition, through an active pursuit of the goals outlined in our Community Engagement Plan and Racial Equity and Inclusion Statement, we recognize that additional outreach efforts should include tribal members who work for private or public employers outside of the tribes themselves. This work hopes to identify and serve worker communities facing barriers that limit their ability to access our services. By engaging with and informing vulnerable workers of their rights and protections, we hope to guide these communities to participate in division policymaking, budget development, and the expansion of strategic resource materials.

E. DIRECTOR’S OFFICE (DO)

General Activities:

1. DCBS Director Andrew Stolfi and Multicultural Communications Program Manager Ruth Kemmy are the tribal liaisons for the department.
2. Kemmy is the co-chairperson of the State-Tribal Economic Development and Community Services Cluster. Kemmy and tribal co-chairperson Bruce Zimmerman work together to organize and hold the cluster meetings. The quarterly meetings were hosted by the Confederated Tribes of Siletz Indians, Business Oregon, Department of Consumer and Business Services, and the Confederated Tribes of the Umatilla Indian Reservation.

3. Kemmy has been the co-chairperson of the State-Tribal Economic Development and Community Services Cluster for 4½ years and is ending her service as of Dec. 31, 2023. Business Oregon is rotating into co-chairing the cluster.
4. Kemmy and other DCBS staff members attended the LCIS Spring Celebration.
5. In May, Director Stolfi and DFR Administrator TK Keen provided a presentation to the Legislative Commission on Indian Services regarding unlicensed health insurance activity focused on providing insurance to tribal and nontribal members. In June, Stolfi and Keen attended an in-person consultation with leaders of the Confederated Tribes of the Umatilla Reservation.
6. DCBS is a member of the Northwest Native Chamber (formerly known as ONAC). DCBS staff members attend the bimonthly luncheon meetings.
7. Stolfi attended the Health and Human Services Cluster meetings in January, April, and October.
8. DCBS hosted the Economic Development and Community Services Cluster meeting held on Aug. 25. Stolfi, Kemmy, and DCBS Deputy Director Sean O'Day were present at the meeting.
9. Mary Jaeger attended Native American Youth and Family Center (NAYA) events in the Portland area, including the dedication of NAYA housing, seasonal markets, annual auction, community fundraisers, and other events.
10. Stolfi is a member of the National Association of Insurance Commissioners' (NAIC's) American Indian and Alaska Native Liaison Committee, which provides a forum for ongoing dialogue between NAIC members and the American Indian and Alaska Native communities concerning insurance issues of common interest. He and various staff members attended meetings in March, November, and December.

Actions Planned:

DCBS will continue to attend and support the Tribal Health and Human Services and the Economic Development Cluster meetings and their activities.

The department will continue to provide information about its services and programs and identify areas that could benefit or serve the tribes. DCBS will continue to maintain its positive relationships with the nine federally recognized tribes in Oregon.