



Oregon Senate Fact-Finding Mission Application & Approval Form

This application will be used to review and officially approve fact-finding missions allowed under ORS 244.020(7)(b)(H)(i) and required to be reported under ORS 244.060(6) **if the expense per member is estimated to exceed \$50**. This application must be submitted to the Secretary of the Senate **no later than 14 days** before the start of the fact-finding mission unless, as determined by the secretary, good cause exists for submitting the application after the deadline. **To promote transparency, all approved applications and accompanying materials will be posted on the Secretary of the Senate's website.**

Description of mission: Celebration of Fujian-Oregon's 35th Year of Relations

Issue(s) or legislation related to mission: Economic development, Education, and Culture

Location of mission: Fujian Province, China

Date(s) of mission: September 25, 2019 - October 2, 2019

Person/entity paying expenses: Fujian Provincial Foreign Affairs Office will pay

Address of person/entity paying expenses: 97 Huahin Rd, Fuzhou, Fujian, PRC

350003

in-China housing and official meals and transportation

Invited members (select one):

All senators The following senators: Lew Frederick

All senators on the Committee(s)/Task Force(s) on: _____

Staff invited: Yes No Relatives/household members invited: Yes No

Activities will be limited to a factual investigation or other educational purposes: I agree.

The mission is not being conducted for campaign or partisan political purposes: I agree.

Please include the following required attachments with this application:

1. Written opinion from the Oregon Government Ethics Commission concluding that the event is a permitted fact-finding mission under ORS 244.020(7)(b)(H)(i) and the rules of the commission.
2. Written itinerary or agenda for all scheduled meetings, events, presenters, meals, travel, lodging, or other activities planned during the mission.

Within thirty (30) days after completion of the mission, please submit the following required documents to the Secretary of the Senate, which will be posted on the secretary's website:

1. An attendance sheet listing all senators, staff, relatives, household members, lobbyists, and all others who participated in the mission.
2. The aggregate value of food, travel, and lodging expenses provided to each senator, staff member, relative, and household member of the senator. The aggregate value of expenses for each person shall be determined in the same manner as required by the Oregon Government Ethics Commission for disclosure on a Statement of Economic Interest under ORS 244.060(6).
3. Written confirmation that the mission was conducted substantially according to the itinerary or agenda submitted with the application and, if the mission varied materially from the submitted itinerary or agenda, a written account describing the material variations (i.e., any additional meetings, events, presenters, meals, travel, lodging).

Failure to submit this information within thirty (30) days after completion of the mission will result in an automatic denial of all future applications submitted by the applicant signing below and the person or entity listed above as paying expenses.

By signing below, I hereby declare that all information submitted at any time by me, or on my behalf, to the Oregon Senate in connection with this application and fact-finding mission is correct to the best of my knowledge and belief.

Signature of applicant: _____ Date: 09/18/2019

Name of applicant (print): LG Billy Dalto

Address: P.O. Box 943, Salem, OR 97308

Telephone number: 503-339-3211

E-mail address: billy@daltolaw.com

All information above is required for the application to be considered.

For Official Use Only

Based on the written conclusion of the Oregon Government Ethics Commission and the information submitted by the applicant, under ORS 244.020(7)(b)(H)(i) this fact-finding mission is hereby:

Officially Sanctioned

Denied

Cyndy Johnston for Lori Buckle
Secretary of the Senate

9-24-2019
Date



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

Email: ogec.mail@oregon.gov

Website: www.oregon.gov/ogec

September 20, 2019

Tim Sekerak
Chief Clerk of the House
900 Court St. N.E., H-271
Salem, Oregon 97301

RE: Advice Number 19-216I

Sent via USPS and email

Dear Mr. Sekerak:

This letter of advice is provided in response to your request received on September 19, 2019 which presented a question regarding how the application of Oregon Government Ethics law may apply to the four legislative officials who have been invited to represent the State of Oregon to participate in the 2019 Delegation to the Fujian Province of China. This response does not apply to any other member of the delegation.

This analysis and advice is being offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances you have presented.

According to the information provided, the Foreign Affairs Office of the Fujian Provincial People's Government has extended an invitation to legislative officials to travel to the Fujian Province from September 25 – 30, 2019. The invitation includes an offer by the Fujian government to pay for the delegation's transportation, hotel accommodations and meals while in the Fujian Province. Delegates will be responsible for all international travel costs and all personal spending.

In offering this invitation, the Fujian government has identified several objectives: to recognize the 40th anniversary of US-China diplomatic relations and the 35th anniversary of the sister province/state relations between Oregon and Fujian Province, trade and investment opportunities, Fujian's business interest in the State of Oregon and support of Oregon's business interests in Fujian. The benefit to the State of Oregon in this international exchange is an opportunity for legislative officials to lobby the Fujian government on behalf of Oregon companies and the potential for opening doors for Oregon in areas of trade, investment, tourism, and education.

Under most circumstances when a public official is offered food, beverage, lodging and travel expenses at no cost to the public official, it would be a gift as defined in ORS 244.020(7)(a). If the provider of a gift to a public official has a legislative or administrative interest in the votes or decisions of the public official there are conditions and restrictions that apply to the acceptance of the gift. A legislative or administrative interest is defined in ORS 244.020(10) as an economic interest that is distinct from the economic interest held by members of the general public in votes or decisions of the public official. It would appear that the government of Fujian Province has a legislative or administrative interest in bills, resolutions, regulations or proposals, acted upon by legislators that would be distinct from that of the general public. Therefore, the conditions and restrictions on paid expenses offered to these public officials and their relatives could apply.

Under specific circumstances set forth in ORS 244.020(7)(b), there are exceptions when a public official and their relatives may accept gifts, such as paid expenses for food, lodging and travel or other items of value. ORS 244.020(7)(b)(H)(i) allows acceptance of the payment of reasonable expenses for food, travel or lodging expenses provided to a public official and accompanying relative, or member of their household or staff, when the public official is representing state government on an officially sanctioned trade-promotion or fact-finding mission.

While public officials may be able to accept these paid expenses, ORS 244.020(7)(b)(H)(i) requires that they do so as a representative of state government and that the event be a "fact-finding mission or trade promotion" and be "officially sanctioned."

The Oregon Government Ethics Commission issued Oregon Administrative Rules (OARs) in which "trade promotion," "fact-finding mission or trip" and "officially sanctioned" were defined as follows:

"A fact-finding mission or trip" is any activity related to a cultural or educational purpose, or any activity aimed at providing intergovernmental assistance, such as for the purpose of international aid or sharing best practices, or developing intergovernmental relationships directly related to the public official's duties. The sponsor of a fact-finding mission should be directly and immediately associated with the event or location being visited." [OAR 199-005-0001(2)]

"Trade promotion" means an activity for the purpose of encouraging or developing commerce or the buying and selling of goods and services." [OAR 199-005-0020(3)(c)]

"Officially sanctioned or officially designated" means written approval by a state or local public body or by a person authorized by the public body to provide that approval. When the activity is officially designated as negotiations or economic activity, the written notice will include approval for the public official to accept the payment of reasonable expenses. [OAR 199-005-0020(3)(b)]

Unless the public body determines otherwise, the written notice for a member of the legislative assembly must be approved by the President of the Senate, Speaker of the House, the designated majority or minority leaders of either chamber or appointed committees of the Legislative Assembly for any elected member. [OAR 199-005-0020(3)(b)(C)]

It should be understood that ORS 244.0020(7)(b)(H) does not allow public officials to accept financial benefits outside of reasonable food, travel or lodging expenses. Under most circumstances, paid expenses for entertainment would likely meet the definition of a gift as defined in ORS 244.020(7)(a) unless they fall within a specific exception for entertainment under ORS 244.020(7)(b)(M) or (N).

Based on the information you provided, it appears that ORS 244.020(7)(b)(H) would allow legislative officials to accept reasonable food, travel or lodging expenses for their representation as a legislative delegate to Fujian Province. In addition, these paid expenses may also be offered to and accepted by a public official's relative, members of the public official's household and members of the public official's staff who are accompanying a member of the Legislative Assembly on this trip.

Tim Sekerak
September 20, 2019
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In addition, legislative officials are required by ORS 244.050 to file with the Oregon Government Ethics Commission an Annual Verified Statement of Economic Interest. ORS 244.060(6) requires officials to identify all expenses with an aggregate value exceeding \$50 when participating in an event described in ORS 244.020(7)(b)(H).

If you have any additional questions regarding the application of Oregon Government Ethics law, please feel free to contact me directly.

Sincerely,



Ronald A. Bersin
Executive Director

RAB/th

*****DISCLAIMER*****

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.

中华人民共和国福建省人民政府外事办公室

THE FOREIGN AFFAIRS OFFICE OF THE FUJIAN

PROVINCIAL PEOPLE'S GOVERNMENT

FUZHOU, FUJIAN, CHINA

ZIP CODE:350003

TEL:(86-591)87827338

FAX:(86-591)87838267

August 13, 2019

Hon. Jeff Barker,

This year marks the 40th anniversary of US-China diplomatic relations and the 35th anniversary of the sister province/state relations between Oregon and Fujian. With a view of advancing the friendly relationship between the two sides, it would be my pleasure to invite you to lead a delegation to visit Fujian in September and October this year for eight days.

During your visit, we will arrange you to tour around Fujian and experience its development after the reform and opening-up to know better about this province, and have talks on how to deepen our exchanges and cooperation in such fields as economy, trade, education and culture.

Your delegation will include the following members:

Name	Title/Organization	Date of Birth
Hon. Jeff Barker	State Representative, Oregon Legislature	April 1, 1943
Hon. Lew Frederick	State Senator, Oregon Legislature	December 17, 1953
Hon. Sheri Schouten	State Representative, Oregon Legislature	October 7, 1953
Hon. Dick Schouten	County Commissioner, Washington County, Oregon	November 3, 1952
Hon. David Brock Smith	State Representative, Oregon Legislature	December 19, 1976
Mr. Stephen Ying	Vice President, Oregon China Council	February 11, 1957
Robin Rogers	Accountant, Oregon China Council Treasurer	December 27, 1955
Billy Dalto	Business Lawyer, Former State Representative Oregon China Council Board Member	October 21, 1976

Your delegation's expenses in Fujian Province, including transportation, hotel accommodations and meals, will be covered by the Fujian Foreign Affairs Office. The international travel costs and other personal spending (e.g. hotel laundry service, mini bar) will be borne by the delegates.

I am looking forward to meeting you in Fujian.

Sincerely,



Wang Tianming

Director-General

Fujian Provincial Foreign Affairs Office

Updated Itinerary in Fujian(19-9-20)

Sept. 25 (Wednesday)

- 11:50 Flight HU7695 Beijing to Fuzhou
- 12:30-13:30 Lunch
- 13:30-15:00 Go to Ningde City through a vehicle
- 15:00-16:15 Visit Ningde CATL
- 16:20-18:00 Go to Fuzhou
- 18:30-19:30 Dinner
- 20:00 Go to Fuzhou & Check in at Fuzhou Kempinski Hotel

Sept. 26 (Thursday)

- 08:00 Check out
- 08:15-08:30 Go to Fuzhou Railway Station
- 09:01-10:10 Take Bullet Train G1634 to Wuyishan East Station
- 10:20-10:50 Go to Wuyishan C&D Hotel
- 11:00 Check in hotel
- 11:30-12:45 Lunch
- 13:00 Depart for Ferry terminal
- 13:30-15:30 Bamboo rafting
- 15:30-17:00 Visit to a tea company
- 17:15 Go back to Hotel
- 18:00-19:00 Dinner
- 19:00-19:20 Go to the theater
- 19:30-20:40 Watch Dahongpao Tea Themed Performance

Sept. 27 (Friday)

- 08:00 Check out
- 08:10-08:40 Go to Wuyishan East Railway Station
- 09:12-10:31 Take Bullet Train D4653 to Fuzhou City
- 11:00 Lunch

- 12:30 Check in at Fuzhou Kempinski Hotel
- 14:30-16:00 Visit to a middle school
- 17:00-17:45 **Meeting with Vice Governor Guo (Dress code: Formal)**
- 18:00 Attending the National Day Reception Hosted by Fujian Provincial People's Government
- 20:00 Free time in Three Lanes and Seven Alleys

Sept. 28 (Saturday)

- 08:15 Check out
- 08:30 Go to Fuzhou Railway Station
- 09:25-12:19 Take Bullet Train D6407 to Longyan
- 12:30 Lunch with officials of Longyan City
- 13:30 Go to Yongding County
- 15:30 Visit to Tulou (World Cultural Heritage)
- 18:00 Dinner with officials of Yongding County
- 20:30 Check in at Longyan Jinghua Fliport Hotel

Sept. 29 (Sunday)

- 08:00 Check out
- 08:15 Go to Longyan Railway Station
- 08:49-10:05 Take Bullet Train D3293 to Xiamen North Station
- 10:10-10:45 Go to Xiamen Planning Exhibition Hall
- 11:00-11:45 Visit to Xiamen Planning Exhibition Hall
- 12:15 Lunch
- 13:15-15:15 Visit to Kulangsu Island
- 15:30-16:00 Go to Xiamen Yuzhou Wyndham Hotel & Check in
- 17:15-17:35 Go to Xiamen International Conference Center Hotel
- 18:00 Attending the National Day Reception Hosted by Xiamen Municipal People's Government **(Dress code: Formal)**

Sept. 30 (Monday)

09:00-09:20 Go to Xiamen Intretech Inc.(smart manufacturing)
09:30-10:45 Visit to Xiamen Intretech Inc.
11:00-12:00 Visit to Seashine Imported Goods Sales Center
Talk with local wine/pork distributors
12:30 Lunch
13:30-17:30 Shopping time in Zhongshanlu Pedestrian Street
18:00 Dinner

Oct. 1 (Tuesday)

All Day Free time in Xiamen
(delegates can have lunch & dinner at cafeteria in the hotel)

Oct.2 (Wednesday)

08:00 Check out
08:30 Go to Xiamen Goqi international Airport
11:00 Flight 8101 from Xiamen to Beijing

L.G. BILLY DALTO

Attorney at Law

242 Church St. SE, Suite 200
U.S. Mail: P.O. Box 943
Salem, Oregon 97308
Tel: 503-339-3211
Fax: 503-990-7981

November 18, 2019

Via Electronic Mail

Secretary of the Senate
900 Court St. NE, Room 233
Salem, OR 97301

Re: 2019 Delegation to Fujian Province of the People's Republic of China

Dear Ms. Brocker:

This letter serves as a follow up to the above-referenced trip, which was sanctioned by your office on September 24, 2019.

A list of trip participants is attached to this letter.

The submitted itinerary occurred as planned (the "Fujian Itinerary"), with the exception of a brief extension to Tianjin city (the "Tianjin Itinerary") attended by the following delegates: Senator Lew Frederick, Representative David Brock Smith, and Mr. Stephen Ying. The Tianjin Itinerary occurred between October 2, 2019 and October 4, 2019. The Tianjin Itinerary is attached.

The aggregate value of the Fujian Itinerary was 9,500 Chinese Yuan Renminbi (\$1,353.56), according to the Fujian Provincial Foreign Affairs Office. The aggregate value of the Tianjin Itinerary was 1,800 Chinese Yuan Renminbi (\$256.28), according to the Tianjin Municipal Government Foreign Affairs Office.

Please let me know if you have any questions about this trip.

Sincerely,

/S/ L.G. BILLY DALTO

L.G. Billy Dalto

cc: Delegates

中华人民共和国福建省人民政府外事办公室

THE FOREIGN AFFAIRS OFFICE OF THE FUJIAN

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I am looking forward to meeting you in Fujian.

Sincerely,



Wang Tianming
Director-General
Fujian Provincial Foreign Affairs Office

Itinerary in Tianjin

Oct. 2 Wednesday

4:05 pm. Arrive in Tianjin, depart for Geneva Hotel

6:00 pm. Check in

Oct.3 Thursday

9:00 am. Leave the hotel for Tianjin Museum

9:10 am. Visit the museum

9:50 am. Return to the hotel

10:00 am. Arrive at the hotel, rest for a while

11:10 am. Depart for Tianjin Guest house

11:20 am. Arrive at Tianjin Guest house

11:30 am. Meeting with Ms Li Hong, Deputy Director-general of the Standing Committee of Tianjin Municipal People's Congress

12:00 Lunch with Ms Li Hong

1:00 pm. Depart for TEDA No.2 Middle School

2:10 pm. Visit TEDA No.2 Middle School

3:10 pm. Depart for PKUHS Tianjin School

4:00 pm. Visit PKUHS Tianjin School

5:00 pm. Depart for Fengguang Restaurant for dinner

6:00 pm. Dinner at Fengguang Restaurant

Oct. 4 Friday

8:00 am. Check out

Leave the hotel for Tianjin South Railway Station

8:40 am. Arrive at Tianjin South Railway Station

8:59 am. Take the High Speed Train G336 for Beijing