



**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(6)(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: Tour Port of Coos Bay / Rail line

Issues or Legislation Related to Mission: Economic Development opportunities

Location of Mission: Coos Bay

Date(s) of Mission: July 10-11 2014

Person/Entity Paying Expenses: International Port of Coos Bay

Address of Person/Entity Paying Expenses: 125 Central Ave, Coos Bay OR 97420

Invited Members (select one):

All Senators     The following Senators: Sen Roblan    Sen Prozancki

All Senators on the Committee(s)/Task Force(s) on: Business & Transportation

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:**

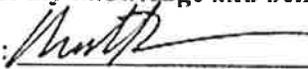
1. Written opinion from the Oregon Government Ethics Commission concluding that the event is a permitted fact-finding mission under ORS 244.020(6)(b)(H)(i) and the rules of the commission.
2. Written itinerary or agenda for all scheduled meetings, events, presenters, meals, travel, lodging, or other 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: 5-8-14

Name of Applicant (print): MATT MARKEE

Address: 5605 Inland Shores Way #110 Keizer OR 97303

Telephone Number: 503.378.0412

E-mail Address: matt@markke.org

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

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**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(6)(b)(H)(i) this fact-finding mission is hereby:

Officially Sanctioned

Denied

  
Secretary of the Senate

5-8-14  
Date

## DRAFT -- DRAFT -- DRAFT

### Fact Finding Tour for Members of the Oregon Legislature July 10<sup>th</sup> and 11th, 2014 • Coos Bay, Oregon

Western Lane, Western Douglas and Coos Counties Region / Coos Bay Rail Line owned by the Oregon International Port of Coos Bay, and operated as the Coos Bay Rail Link-CBR

Hosts: Oregon International Port of Coos Bay and ARG Transportation Services, Inc. / Coos Bay Rail Link-CBR

#### First day of tour:

- 2:00 pm Meet at Port office, downtown Coos Bay; board vehicles for driving tour of North Spit Rail Spur, Southport Forest Products facility and North Spit industrial development properties
- 6:00 pm Port and ARG-CBR will host a dinner (possibly a seafood barbeque) at the Port's Charleston Marina RV Park recreation room; guests will include Oregon legislators, Port commissioners, port staff, ARG-CBR staff and possibly rail line shipper representatives / (There may be an opportunity to visit the Oregon Institute of Marine Biology and their soon-to-open Marine Life Center)

#### Second day of tour:

- 8:30 am Legislators, port commissioners and staff and CBR staff will meet at Port office in downtown Coos Bay – staff will provide briefing about Coos Bay rail line rehabilitation with PowerPoint presentation / ARG-CBR will provide briefing on rail operations in western Lane, western Douglas and Coos Counties region and discuss potential increases in rail traffic and development of new rail shipping facilities.  
  
Group will move to Coos Bay rail yard for safety briefing, then board high-rail vehicles for tour (tour route to be determined); possibly visit some shipper facilities and discuss shipper issues.  
  
(The tour may stop briefly at the under construction Coos Historical & Maritime Museum adjacent to the rail line)
- Midday/Noon Group will have box lunch somewhere on rail line in order to maximize time spent on rail line inspection and orientation, including bridges
- Afternoon Group will continue rail line tour with return to Port office for debrief; all visitors will return home

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(DRAFT as of May 2, 2014)



# Oregon

John A. Kitzhaber, MD, Governor

Government Ethics Commission

3218 Pringle Rd SE Ste 220

Salem, OR 97302-1544

503-378-5105

E-mail: [ogec.mail@state.or.us](mailto:ogec.mail@state.or.us)

Web Site: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

May 15, 2014

Matt Markee  
C/o Markee & Associates, Inc.  
5605 Inland Shores Way N #110  
Keizer, Oregon 97303

Dear Mr. Markee:

This letter of advice is provided in response to your request for guidance that presented a question regarding the application of Oregon Government Ethics law to offers of paid expenses for food and lodging for public officials who may wish to attend an event sponsored by the Oregon International Port of Coos Bay (Port of Coos Bay).

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.

I understand that the Port of Coos Bay wants to host an educational tour for public officials. It appears that this two day event is scheduled for July 10<sup>th</sup> & 11<sup>th</sup>, 2014. Invited participants will include legislators as well as a variety of public officials that represent governmental agencies from various state and local jurisdictions. The purpose of this event is to educate and inform state and local government officials regarding economic development.

During this tour, Port of Coos Bay will provide and pay for meals and lodging. In the request you have asked what restrictions or requirements Oregon Government Ethics law may impose on public officials who may wish to participate in this tour. Under most circumstances when a public official is offered food and lodging expenses at no cost to the public official it would be a gift as defined in ORS 244.020(6)(a).

ORS 244.020(6)(b) however, identifies occasions wherein public officials may accept paid expenses for food and lodging. ORS 244.020(6)(b)(F) allows acceptance of the payment of reasonable expenses for food and lodging for public officials, when the public official is representing their government agency for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is

Matt Markee  
C/o Markee & Associates, Inc.  
May 15, 2014  
Page 2

representing their governing body. The definition of a fact-finding mission is, in part, any activity related to a cultural or educational purpose [OAR 199-005-0020(2)(a)].

Based on the information provided, food and lodging expenses are being provided by the Port of Coos Bay for public officials to participate in what appears to be a fact-finding mission, therefore ORS 244.020(6)(b)(F) would apply.

Public officials who participate in the tour and accept payment for their food and lodging from the Port of Coos Bay that are required to file the Annual Verified Statement of Economic Interest (SEI) form will be required to list the gift on their SEI form in the next calendar year per ORS 244.060(6). It is required that the source of a gift under ORS 244.020(6)(b)(F) provide a detailed cost analysis of a gift, the Port of Coos Bay would be required to provide the public officials with the aggregate value of expenses paid on their behalf for filing purposes.

If lobbyists or the clients or employers of lobbyist are the source of paid expenses for food and refreshment that is defined as a gift in ORS 244.020(6)(a), and it is a lobbying or goodwill building activity expense, it is required to be included in the quarterly lobbying expenditure reports.

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.

The list of people who attended are:

Senator Arnie Roblan  
Senator Fred Girod and his wife Lori  
Senator Lee Beyer  
Rep. Tobias Read  
Rep. Nancy Nathanson  
Rep. Margaret Doherty  
Rep. Paul Holvey  
Rep. Cliff Bentz  
Rep. Caddy McKeown, staff Michael Hobson and Courtney Flathers  
Tim Inman from Kotek's office  
Karmen Fore from the Governor's office  
Catherine Mater from Transportation  
Annette Price from the Port of Portland  
David Koch  
Kathy Wall  
Martin Callery  
Duke Rodley with his wife  
Brooke Walton  
Makenzie Marineau  
Dan Lovelady  
Aaron Lovelady  
Matt and Jim Markee  
Commissioner Brianna Hanson  
Mike Dunning  
Lanelle Comstock  
Commissioner John Sweet  
Commissioner Susan Morgan  
Commissioner Sid Leiken  
Chuck Deister  
Mayor Chrystal Shoji  
Rick Skinner  
Connie Stopher, Commissioner Mike Lehman  
Chris Caflin  
Craig Young  
Kevin Banister

Monies spent on Senators and staff or family

Senator Lee Beyer Food \$50.59 Lodging \$123.05

Senator Arnie Roblan Food \$50.59

Senator Fred Girod and wife Lori Food \$50.59 each, total \$101.18 Lodging \$123.05

Written confirmation that the mission was conducted according to the agenda attached.

Thanks. If there are any questions, please let me know.

Susie