



# **Your Business, Public Schools and OHSET**

**Conflict of Interest  
Ethics and Integrity  
Common Sense Approach**

**OHSET**

# Why This Training & Why Now?

## As a Courtesy to our Volunteers

After discovery, because of an Ethics Commission now closed case against an OHSET coach (#20-137ESM), where we all discovered ORS Chapter 244 which places certain restrictions on public officials.



# OHSET

# Why This Training & Why Now?

The Ethics Commission is responsible for things related to financial gain either by profit, reimbursement, or by not paying for service, activity, etc.  
All things financial – NOTHING else



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# Legal Background

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# Legally Speaking...

“A public official includes all persons who serve the State of Oregon or any of its political subdivisions, including school districts, as elected officials, appointed officials, employees or agents, even if they serve as unpaid volunteers.”

*ORS 244.020(15)*

OHSET coaches and advisors  
(volunteers working for a public  
school) **are public officials.**

The logo for OHSET (Oregon High School Equestrian Team) is displayed in a large, blue, stylized font. The letters are bold and blocky, with a slight shadow effect. The 'O' and 'H' are particularly prominent. The logo is positioned in the bottom right corner of the slide.

# Legally Speaking...

“Public officials are held personally responsible for complying with the provisions in Oregon Government Ethics law.”

*Government Ethics Commission Advisory Opinion 21-070A;  
23 July 2021*



This means if you violate the law,  
you are responsible, not OHSET

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# Legally Speaking...

It's also important to define the phrase "conflict of interest" under the Ethics Commission context.

"...any action, decision, or recommendation that a public official makes in their official capacity, the effect of which would be or could be to the private financial benefit or detriment of the public official, a relative, or a business with which the public official or relative is associated..."

*ORS 244.020(1) and (13)*



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# Legally Speaking...

Thus...

An OHSET volunteer has a conflict of interest if the he/she “participates in any action, decision or recommendation that would or could financially impact the public official or the official’s relative...” And/or if said person is “an owner or employee of a private business that would or could be financial impacted by the action, decision or recommendation.”



*Government Ethics Commission Advisory Opinion 21-070A;  
23 July 2021*

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# Legally Speaking...

“Public officials must properly disclose and dispose of their conflicts of interest... They must make written notification to their appointing authority; the written notification must describe the nature of their conflict of interest and request that their appointing authority dispose of the conflict. The appointing authority must then designate someone else to take care of the issue or direct the public official how to handle it



*ORS 244.120(1)(c)*

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# Legally Speaking...

So a “**prohibited use of position**” occurs when an OHSET volunteer uses or attempts to use their position to obtain a financial benefit or avoid a financial detriment for themselves, their relatives or household members, or any businesses with which any of these are associated, if this financial impact would not otherwise be available but for holding their official position.”

*ORS 244.040(1)*



# Legally Speaking...

It's also important to note...

*“A prohibited use of position can occur even if the OHSET volunteer has disclosed a conflict of interest.”*

ORS 244.040(7)

**AND...**

*The “statute provides an exception for acceptance of an ‘official compensation package’.”*

ORS 244.040(2)(a)



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# Legally Speaking...

## REMINDER...

*Principal, athletic director, etc. should receive written conflict of interest disclosure. They should deal with the situation and/or tell you how to deal with it – get this in writing.*

**AND...**

*The Compensation Package is to be submitted to the school board and should be submitted at/or before the beginning of the season – I suspect this is done all at once with other sports, probably in the fall. Ask the school person in charge of your TEAM when they need it*



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**Exception**

**Compensation Package**

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# The Compensation Package

- The exception in this statute is if the “public official” has an approved compensation package.
- This document can come in any form to be approved by the school board and must be approved annually
- The key is to have volunteers not operate outside of the compensation package and that it be approved by the “school district’s governing board” in a “formal manner.”
- [OAR 199-005-0035(3)]



**OHSET**

# Compensation Package

- Can be different per provider or per district
- Must be approved by School Board/Officials
- Includes monetary and in-kind
- All Services
  - Hauling
  - Arena
  - Shirt Sales
- Profit NOT an element



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# The Compensation Package



## Oregon High School Equestrian Teams, Inc. Volunteer Public Official | "Compensation Package"

Pursuant to: ORS 244.040(2)(a) AND [OAR 199-005-0035(3)]

Oregon High School Equestrian Teams (OHSET) is a non-profit 501c3 determined to be associated with public schools. This is per a recent Oregon Government Ethics Commission Opinion (Number: 21-070A – 23 Jul 2021) as well as our own mission statement:

*"Oregon High School Equestrian Teams (OHSET) shall be a "not for profit" corporation dedicated to promoting and organizing equestrian competition in high school athletic or activity programs.*

*Oregon High School Equestrian Teams (OHSET) has as its main goal, recognition in the high schools of the equestrian athlete and to give them an opportunity to achieve that recognition in a fair, positive and educational format. The goals are to encourage team play, peer acceptance and good horsemanship. Competition is to follow sportsmanship guidelines as set down by Oregon School Activities Association (OSAA), State School Board, individual participating school activity guidelines, and equine sportsmanship guidelines." OHSET Rulebook 2020-2021*

In an effort to help OHSET Coaches, Advisors and Other public school related volunteers be compliant with ORS Chapter 244 which places certain restrictions on public officials, we have designed a simple process for these volunteers to be as compliant as possible.

In the above mentioned opinion, it was determined all OHSET volunteers, who volunteer with a public school, are legally "public officials." (ORS 244.020(15) Therefore, said volunteers are required to disclose any conflict of interest and turn said conflict of interest over to the appointed authority (high school principal, athletic director, etc.) so this "authority" can tell them how to handle conflict and/or resolve the conflict/situation. In addition, this simple disclosure does not relinquish their responsibility to abide by the "prohibited use of position" statute. (ORS 244.040(1). The exception in this statute is if the "public official" has an approved compensation package. This compensation package can be different for each volunteer, school, district, etc. This document can come in any form to be approved by the school board and must be approved annually. It can be an email or posted letter request or on the template form attached. The key is to have volunteers not operate outside of the compensation package and that it be approved by the "school district's governing board" in a "formal manner." [OAR 199-005-0035(3)]

With this in mind, please see the attached document.

Oregon High School Equestrian Teams, Inc.  
Volunteer Public Official | "Compensation Package"  
Pursuant to: ORS 244.040(2)(a) AND [OAR 199-005-0035(3)]



Candi Bothum, State Chair  
cbothum@ohset.com  
541-419-6350

Today's Date \_\_\_\_\_ Season Begins \_\_\_\_\_ Season Ends \_\_\_\_\_

Name of Volunteer \_\_\_\_\_ Role: Coach Advisor Other

\_\_\_\_ Neither I nor any of my relatives/housemates [(as defined ORS 244.020(16)(a)] have financial business personally or via a connection to a business related to Oregon High School Equestrian Teams, Inc. Therefore, no "compensation" is required.

\_\_\_\_ As a coach with interest in a company who may be asked to do business with/for my high school equestrian team, I would appreciate approval of the following potential costs should these events/needs occur. I agree to disclose the conflict of interest and will remain silent during any decision making process related to the following items.

- My team may use my facility. For this use I expect to charge \$ \_\_\_\_\_ haul in fee. In addition, I will charge \$ \_\_\_\_\_/hour or part of an hour, for lights should they be necessary for safety
- Some of my team members may choose to take professional lessons from me or a member of my family. These lessons would be outside of my coaching duties. I expect to charge up to \$ \_\_\_\_\_ for a private lesson and \$ \_\_\_\_\_ for a group lesson.
- Team members may choose to board their equine at my facility. For this, I expect to charge \$ \_\_\_\_\_ for full care, \$ \_\_\_\_\_ for partial care.
- From time to time, I may haul team members horses to a meet or practice. For this service I charge \$ \_\_\_\_\_/mile of travel.
- Should one of my team members ask/need me to provide training on their horse for them, I expect to charge \$ \_\_\_\_\_/day/hour or \$ \_\_\_\_\_/month for this service.
- I have a \_\_\_\_\_ business and I may potentially sell/create/build \_\_\_\_\_ for my team. The charge(s) for these items/this service is \$ \_\_\_\_\_ to \_\_\_\_\_.

Thank you for your consideration. Any related questions may be directed to me at \_\_\_\_\_.

Respectfully Submitted,

Signature \_\_\_\_\_

# Compensation Package Decision Making Process

Don't Advocate

Let someone else facilitate if  
necessary

Team Money – Team Decision



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**REMINDERS**

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# REMINDER: Public Official

You as a volunteer of a public school

As a person who volunteers for the school district, you are a public official.

YOU, your business(es) and your immediate family are impacted



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# Public Official

You as a volunteer of a public school

Your Employer

Your Family

Your Business

Doesn't matter if you own, have interest in, are an employee, director, agent, etc.

Member of the household: "any person who resides with the public official candidate."



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# Potential Conflict of Interest

Disclosure Required

AND...

Does NOT change your responsibility



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# Compensation Package

In writing!

Submit to the school

Include “what ifs”



**CHS&T**



**QUESTIONS?**