

OREGON GOVERNMENT ETHICS COMMISSION

PRELIMINARY REVIEW

CASE NO: 24-095ESM
DATE: May 23, 2024
RESPONDENT: KOTEK, Tina, Governor, State of Oregon
COMPLAINANTS: MAY, Paul and AUGUSTA, Jason
RECOMMENDED ACTION: Move to Dismiss

1 **PRELIMINARY REVIEW:** The Oregon Government Ethics Commission (Commission)
2 received two complaints on March 25, 2024 alleging that Governor Tina Kotek may have
3 violated Oregon Government Ethics Laws. In the weeks that followed, the Commission
4 received multiple additional complaints. Those additional complaints were not separately
5 opened because they merely repeated the allegations in the original complaints and did
6 not allege any new or separate violations of Oregon Government Ethics Law. The first
7 complaint (24-095ESM), from Paul May, referenced an article posted on OregonLive
8 regarding Governor Kotek considering creating an "Office of First Spouse." (#PR1; #PR2).
9 The second complaint (24-096DUP), from Jason Augusta, referenced a separate article
10 in Willamette Week and expressed concerns regarding nepotism, waste of taxpayer
11 dollars and other ethical violations. (#PR3; #PR4). Receipt of both complaints was
12 acknowledged in a letter to Governor Kotek and to the two complainants. Governor Kotek
13 was provided with the information received in the complaints and invited to provide any
14 information that would assist the Commission in conducting the preliminary review in
15 these matters.

16

17 Complaints

18 In his complaint, Paul May quotes from a recent news article:

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1 According to recent news by a credible newspaper of general circulation: Tina
2 Kotek and her wife, Aimee Kotek Wilson, greet supporters at Revolution Hall.
3 Kotek is exploring the possibility of forming an Office of the First Spouse. The
4 Oregonian. Gov. Tina Kotek will bring on a state-funded adviser this week to
5 explore the possibility of forming an Office of the First Spouse. Meliah Masiba will
6 join the governor's office from the Department of Administrative Services on a six-
7 month rotation beginning Monday to both explore establishing the new office and
8 to support and assist Kotek's wife, Aimee Kotek Wilson, "in her official capacity in
9 support of the administration," said Elisabeth Shepard, a spokesperson for the
10 governor. Shepard said "many other states" have offices of the first spouse.
11 (#PR1).

12
13 The news article from which Paul May quoted, entitled "Gov. Tina Kotek considering
14 creating Office of First Spouse," was published on OregonLive on March 24, 2024. The
15 article reported on the departure of three high-level staffers in the Governor's office: Chief
16 of Staff Andrea Cooper, Deputy Chief of Staff Lindsey O'Brien, and Special Advisor Abby
17 Tibbs. The article reported that the Governor's spouse, Aimee Kotek Wilson, has an 8
18 foot by 8 foot office inside the Governor's office. According to the article, the First Lady,
19 "who has worked as a social worker and holds a master's degree in the field, has taken
20 a hands-on role in her wife's administration." (#PR2).

21
22 A duplicate complaint from Jason Augusta was also filed on March 25, 2024. In his
23 complaint, Jason Augusta writes:

24
25 Based on reporting from Willamette Week it appears Governor Tina Kotek has
26 given office space to her wife Aimee Kotek Wilson and that Aimee Kotek Wilson
27 now has a staff funded with taxpayer dollars and is allowed access to high level
28 meetings. Several staff and advisors including the Chief of Staff had concerns of
29 the ethics of these arrangements the Governor has implemented for her wife.
30 There are concerns of nepotism, wasteful use of taxpayer dollars and other ethical
31 considerations. (#PR3)

1 With his complaint, Mr. Augusta included a link to an article published in Willamette Week.
2 The article, entitled “Governor’s Office Confirms That First Lady Has State-Paid Office
3 Space and, Starting Monday, Staff,” was published on March 23, 2024. This article reports
4 that First Lady Kotek Wilson “regularly attends staff meetings about behavioral health,
5 which is one of the governor’s top priorities.” It also reports that the First Lady will soon
6 have her own staff member, who will be exploring “the establishment of the Office of the
7 First Spouse.” The article notes that “there is no allegation that Kotek Wilson is seeking
8 to benefit financially from her position as first lady[.]” (#PR4).

9

10 Additional Articles

11 During the weeks that followed, additional news articles were published. We will not
12 address all of those articles in this preliminary review report. One article did report that
13 First Lady Kotek Wilson “was gaining additional staff help” including the services of
14 scheduler Yasmin Solorio and of Meliah Masiba, who “joined the Governor’s office on a
15 six-month basis to work with Kotek Wilson and ‘to help explore the establishment of the
16 office of the First Spouse, a program that has been established in many states.” (#PR5).

17

18 In late April, the Governor’s office released copies of staff emails and correspondence.
19 Subsequent news articles reported that emails among the Governor’s staff revealed
20 “deep concerns about the governor and Kotek Wilson crossing ethical lines and
21 compromising the office’s ability to effectively tackle the state’s pressing housing and
22 behavioral health issues.” One of the emails expressed concern about Governor Kotek
23 asking her director of behavioral health initiatives to “call Cascadia Behavioral Health on
24 behalf of an employee and friend of Kotek Wilson’s who was having issues with her
25 supervisor.” Other emails raised questions about why state police were driving Kotek
26 Wilson to a speaking engagement at the University of Oregon. (#PR6).

27

28 Press Release

29 On May 1, 2024, Governor Kotek issued a press release in which she explained as
30 follows:

31 ///

1 There is no road map in Oregon for defining the role of a First Spouse, who is a
2 “public official” under Oregon law. I make all policy and personnel decisions for my
3 office. I have sought guidance from the National Governors Association and the
4 Oregon Government Ethics Commission (OGEC). I am committed to defining the
5 role of the First Spouse with respect to what we learn from OGEC, not only on
6 behalf of this administration but future administrations as well.

7
8 After listening to and reflecting on the concerns of Oregonians who have contacted
9 my office, as well as the advice of staff, I want to be clear about these things. There
10 will not be an Office of the First Spouse. There will not be a position of Chief of
11 Staff to the First Spouse. Other than staff that is assigned to support the First Lady
12 in her official duties, no state staff will report to her or be supervised by her.

13
14 My office is also assembling a First Spouse Manual to spell out policies and
15 procedures related to that role, including protocols for addressing any staff
16 concerns or complaints. The First Spouse manual is in progress and is one of the
17 reasons Meliah Masiba was brought on as a temporary advisor to my office. She
18 reports to Chief of Staff Chris Warner. * * *

19
20 Between now and when we learn more from OGEC, the First Lady will continue to
21 accompany me and attend events representing the Governor’s Office, such as
22 Tribal visits and ceremonial events, and she will listen to Oregonians about the
23 issues most impacting them, especially in the area of mental health and addiction.
24 (#PR7).

25
26 Response

27 Governor Tina Kotek is represented in this matter by attorney Derek Johnson, who
28 submitted a response letter on May 3, 2024. Mr. Johnson writes:

29
30 In your letter to Governor Kotek you reference three provisions of ORS Chapter
31 244 that are implicated by the complaints: conflicts of interest, prohibited use of

1 office, and nepotism. The Governor and First Lady have reviewed the record to
2 reconstruct their activities to determine what, if any, evidence of violations exist.
3 They have found none. Based on that review, their representations, and the
4 documentary evidence, these complaints should be dismissed after preliminary
5 review. There is not sufficient cause to conduct any further investigation.

6
7 Political motivations, personality issues, or policy decisions which are being
8 questioned, while part of the public debate, are not germane to the analysis
9 regarding violations of the statute. They should not color Commission staff's
10 analysis of the application of ORS Chapter 244. (#PR8).

11
12 The response letter then proceeds to address the three areas of the law within ORS
13 Chapter 244. First, with respect to conflicts of interest, Mr. Johnson writes:

14
15 This provision applies only when there is a 'conflict of interest' as defined by ORS
16 244.020(1). For there to be a conflict of interest either the Governor or the First
17 Lady had to have received a private pecuniary benefit. Neither did. The news
18 articles the complainants cite mention First Lady Kotek Wilson having an office,
19 staff support, and, at times, a security detail. In and of itself, being provided these
20 resources does not constitute [a] private pecuniary gain. By definition the First
21 Lady is a public official. The resources she has been provided are intended to
22 assist her in performing her duties as a public official.

23
24 First Lady Kotek Wilson has years of relevant public policy and behavioral health
25 experience. She provides that expertise to the Governor's office as an unpaid
26 volunteer. Governor Kotek reasonably believed that the First Lady's learned and
27 lived skills would be of value to the Governor's efforts, and as an advocate for the
28 people of the State of Oregon. Again, her role in the Governor's office was as an
29 unpaid volunteer.

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31 ///

1 Governor Kotek exercised her authority to provide resources for the First Lady to
2 carry out her unpaid volunteer work. First Lady Kotek Wilson received no pay for
3 her work. She did not use her office for anything but her volunteer work: no
4 consulting, no business dealings, no outside work. Her Statement of Economic
5 Interest confirms that she did not get paid for her work. She also did not have
6 outside employment or business interests that she might enhance through her
7 volunteer work. Additionally, Governor Kotek received no private pecuniary benefit
8 from the First Lady's volunteer work. That work was done to advance the mission
9 of the Office of the Governor, not for Governor Kotek personally. Because neither
10 the First Lady nor the Governor received any pecuniary benefit or detriment
11 through the First Lady's volunteer work in the Governor's office, there was no
12 conflict of interest, actual or potential, and no action under ORS 244.120 was
13 required. The fact that the First Lady volunteered her time and talents, and was
14 provided the resources to be effective, did not give rise to a violation of ORS
15 244.120. Governor Kotek did not violate ORS 244.120. (#PR8).

16
17 With respect to the prohibited use of office statute, Mr. Johnson writes that the "above
18 analysis applies equally to this provision of ORS Chapter 244. Neither Governor Kotek
19 nor First Lady Kotek Wilson obtained private pecuniary benefit or detriment as a result of
20 the First Lady volunteering her services and expertise to the Governor's office." (#PR8).

21
22 With respect to the nepotism provisions, Mr. Johnson writes:

23
24 The nepotism provision specifically states that a public official may supervise a
25 family member if she serves as an unpaid volunteer and is not a member of a
26 governing body. ORS 244.179(3)(a) and (b). * * *

27
28 All of the First Lady's work has been as an unpaid volunteer, and she has not
29 served on any governing body. None of the First Lady's activities have involved
30 any deliberations, votes, decisions, or quorums. Because First Lady Kotek Wilson
31 was an unpaid volunteer and did not serve on a governing body, Governor Kotek

1 did not violate the nepotism provision. (#PR8).

2
3 Mr. Johnson concludes the response letter by thanking the Commission for performing
4 its “critical role in maintaining the public’s confidence in the workings of their government.”

5 He points out that:

6
7 [The Commission’s] role of holding public officials accountable is important. But
8 just as important is its role in dismissing meritless or politically-driven complaints.
9 The OGEC cannot be seen as pushing an agenda or being used to push an
10 agenda. In this instance, whatever the politics, there is no “. . . substantial objective
11 basis for believing that an offense or violation may have been committed and the
12 person who is the subject of an inquiry may have committed the offense or
13 violation.” Because there is no “cause,” the complaints, and all their duplicates,
14 must be dismissed after the preliminary review. (#PR8).

15
16 Additional Information

17 During this preliminary review, Mr. Johnson provided Commission staff with additional
18 responsive information from Governor Kotek and First Lady Kotek Wilson. First Lady
19 Kotek Wilson explained that the “purpose of my volunteer role is to serve the people of
20 Oregon by assisting the Governor in pursuing her goals, being a sounding board for the
21 Governor based on my professional expertise, representing the Governor at events as
22 needed, and accompanying her on official visits as appropriate.” Governor Kotek added
23 that her goal in having her spouse volunteer was to “utilize the time and talents of the
24 First Lady in a volunteer capacity to assist me in serving the people of Oregon.” (#PR9).

25
26 First Lady Kotek Wilson confirmed she has not been employed nor has she engaged in
27 any self-employment activities since Governor Kotek took office. First Lady Kotek Wilson
28 explained that she was provided a computer and phone and she works in the office about
29 once a week. First Lady Kotek Wilson states that she has “never used my assigned office
30 space or any state equipment for any purpose other than those associated with my
31 volunteer duties.” Governor Kotek explained that the Governor’s office has previously had

1 a volunteer intern and will have a research fellow volunteer in the office this summer. Both
2 volunteers had or will have state laptops, phones and access to office space. (#PR9).
3 Finally, with respect to the Governor's request for the director of behavioral health
4 initiatives to call Cascadia Behavioral Health, First Lady Kotek Wilson confirmed that the
5 employee who reached out to her is a former colleague and is not a relative or household
6 member of either her or the Governor. (#PR9).

7

8 Dignitary Protection Unit

9 Commission staff spoke with Sergeant Michael Bates of the Oregon State Police Dignitary
10 Protection Unit. Mr. Bates confirmed that the Dignitary Protection Unit provides security
11 services for the Governor, First Spouse, and, if applicable, First Family. The provision of
12 security services is at the direction of the Superintendent of State Police. Security will be
13 provided if there are known threats or dangers, or if they are attending events or in an
14 environment where there could be an elevated risk. (#PR10).

15

16 Request for Commission Advisory Opinion

17 On April 5, 2024, Commission staff received a letter from Chris Warner, Chief of Staff for
18 Governor Kotek, requesting an opinion or guidance from the Commission. In the request,
19 he explains:

20

21 Governor Kotek has been working to clarify the role of the Governor's First Partner,
22 as defined in ORS 244.020(6). Oregon has very limited documented definitions
23 and guidelines pertaining to the role of the First Partner. The Governor's Office has
24 been consulting with the National Governors Association on what the best
25 practices are in other states. We have learned that the modern role of the First
26 Spouse or Partner envisions spouses and partners using their official positions to
27 support the Governor's priorities or otherwise advance initiatives consistent with a
28 Governor's vision. Regardless of party affiliation or gender identity, the Governor's
29 spouse or partner serves a role as a public official to serve all Oregonians. That
30 role should be clearly defined and transparent. (#PR11).

31 ///

1 The request then posed three questions:
2

- 3 1. May the First Partner, as a public official, participate in the development of,
4 advise on, and/or promote the Governor's priorities, consistent with the ethical
5 duties required of public officials in ORS Chapter 244?
- 6 2. If the First Partner is performing official duties as a public official in the
7 Governor's Office supporting the Governor's priorities, may the First Partner be
8 supported by staff and provided other office resources necessary to perform
9 such assigned official duties, consistent with Oregon [G]overnment [E]thics
10 [L]aws?
- 11 3. Many public officials are volunteers who serve Oregon without compensation,
12 such as thousands of individuals serving on state board and commissions. The
13 current First Partner is solely a volunteer. Given this set of facts, what other
14 ethical considerations should we consider? (#PR11).

15
16 Commission staff provided a letter to Mr. Warner that same day, explaining that
17 "[b]ecause the questions raised in your request relate to issues that may be addressed in
18 the preliminary review case, the Commission cannot provide any guidance, advice, or
19 opinions at this time." The letter goes on to explain that the Commission will provide
20 advice and guidance and respond to the opinion request once the case before the
21 Commission has been resolved. (#PR12).

22
23 **RECOMMENDATIONS:** Tina Kotek is the elected Governor for the State of Oregon and
24 held that position during the period relative to this preliminary review. As such, she is a
25 public official, as defined in ORS 244.020(15), and is required to comply with Oregon
26 Government Ethics Law.

27
28 **Statutes**

29 "First Partner" means the spouse or domestic partner of the Governor, or an individual
30 who primarily has a personal relationship with the Governor as determined by the Oregon
31 Government Ethics Commission by rule. "First Partner" encompasses any alternative title

1 that the Governor may publicly substitute for “First Partner,” including, but not limited to,
2 “First Lady,” “First Husband” or “First Spouse.” [ORS 244.020(6)].

3
4 The term “Public Official” is defined as the First Partner and any person who, when an
5 alleged violation of this chapter occurs, is serving the State of Oregon or any of its political
6 subdivisions or any other public body as defined in ORS 174.109 as an elected official,
7 appointed official, employee or agent, irrespective of whether the person is compensated
8 for the services. [ORS 244.020(15)].

9
10 Relative is defined as including the public official's spouse, and the parent, stepparent,
11 child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or of their
12 spouse. [ORS 244.020(16)(a) and (b)].

13
14 Actual and potential conflicts of interest are defined in ORS 244.020(1) and (13),
15 respectively, as arising when a public official, acting in their official capacity, participates
16 in any action, decision, or recommendation, the effect of which would be (actual conflict
17 of interest) or could be (potential conflict of interest) to the private pecuniary benefit or
18 detriment of the public official, a relative, or any business with which the public official or
19 a relative is associated.

20
21 ORS 244.120(2) provides that when met with an actual or potential conflict of interest, an
22 elected public official must publicly announce, on each occasion, the nature of their
23 conflict of interest. Then, if the conflict of interest is potential, they may participate in
24 official actions following their public disclosure. If the conflict of interest is actual, after
25 making their public disclosure, they must refrain from any discussion, debate or vote on
26 the issue giving rise to their conflict of interest.

27
28 ORS 244.040(1) prohibits a public official from using or attempting to use their official
29 position or office to obtain financial gain or avoid a financial detriment, for themselves,
30 their relatives, their household members, or any businesses with which they or their
31 relatives or household members are associated, if that financial gain or avoidance of

1 financial detriment would not otherwise be available but for the public official's holding of
2 the official position or office.

3
4 ORS 244.040(2)(a) allows a public official to accept any part of an official compensation
5 package. An "official compensation package" includes the wages and other benefits
6 provided to the public official. These wages and benefits must have been specifically
7 approved by the public body in a formal manner, such as through a union contract, an
8 employment agreement, or other adopted personnel policies. [OAR 199-008-0005(3)].

9
10 Per ORS 244.177(1)(a), a public official may not appoint, employ, promote, discharge,
11 fire, or demote a relative or member of the household to or from a position with the public
12 body that the public official serves or over which the public official exercises jurisdiction
13 or control, unless the public official complies with the conflict-of-interest requirements of
14 ORS Chapter 244.

15
16 ORS 244.177(3) provides:

17 (a) A public official may appoint, employ, promote, discharge, fire, or demote, or
18 advocate for the appointment, employment, promotion, discharge, firing or
19 demotion of, a relative or member of the household to or from a position as an
20 unpaid volunteer with the public body that the public official serves or over
21 which the public official exercises jurisdiction or control.

22 * * * * *

23 (c) A relative or member of the household described in paragraph (a) of this
24 subsection may receive reimbursement of expenses provided in the ordinary
25 course of business to similarly situated unpaid volunteers.

26
27 Per ORS 244.179(1), a public official acting in an official capacity may not directly
28 supervise a person who is a relative or member of the household. Except that a "public
29 official acting in an official capacity may directly supervise a person who is a relative or
30 member of the household if the person serves as an unpaid volunteer." [ORS
31 244.179(3)(a)].

32 ///

1 ORS 244.179(3)(c) provides that a relative or member of the household serving as an
2 unpaid volunteer may receive reimbursement of expenses provided in the ordinary course
3 of business to similarly situated unpaid volunteers.

4 5 Analysis

6 The Commission's jurisdiction in this case is limited to examining whether Governor Kotek
7 may have violated any of the provisions in ORS Chapter 244 with respect to any decisions
8 or actions she took relating to the First Lady's position. In pertinent part, Commission staff
9 examined whether Governor Kotek may have made any decisions or taken any actions
10 that would violate the conflict of interest statutes, the prohibited use of office statute, or
11 the nepotism statutes.

12
13 Initially, we note that as the Governor's spouse, First Lady Aimee Kotek Wilson is
14 Governor Kotek's relative, as defined in ORS 244.020(16)(a), is the First Partner, as
15 defined in ORS 244.020(6), and is a public official, as defined in ORS 244.020(15). While
16 ORS 244.020 defines the First Partner as a public official, the statutes do not define the
17 role of the First Partner or establish official duties.

18 19 *Nepotism*

20 The nepotism statutes in ORS Chapter 244 apply to a public official participating in
21 employment actions involving a relative or household member. ORS 244.177 prohibits a
22 public official from participating in employment actions such as appointing, employing,
23 promoting or discharging, firing, or demoting a relative or household member, unless the
24 public official complies with the conflict of interest requirements in ORS Chapter 244. ORS
25 244.179 prohibits a public official from directly supervising a relative or household
26 member.

27
28 We first note that Governor Kotek did not "appoint," "employ," or "promote" First Lady
29 Kotek Wilson to her official position. Rather, under ORS 244.020(6) and (15), First Lady
30 Kotek Wilson became the "First Partner" and a public official by operation of law based
31 on relationship status. Moreover, even assuming that Governor Kotek's decision to "utilize

1 the time and talents of the First Lady” could be considered an appointment or promotion
2 of First Lady Kotek Wilson, ORS 244.177(3)(a) creates a specific exception to this
3 nepotism statute and allows a public official to participate in employment decisions
4 involving a relative or household member if the relative or household member is serving
5 in a volunteer, unpaid position. Similarly, ORS 244.179(3)(a) provides that a public official
6 may directly supervise a relative or household member if the relative or household
7 member is serving as an unpaid volunteer.

8
9 The responses and other available information appear to confirm that First Lady Kotek
10 Wilson is not being paid for her services as “First Lady” or “First Partner” and that First
11 Lady Kotek Wilson is instead serving as an unpaid volunteer in the Governor’s office.
12 Therefore, the Governor may lawfully participate in employment decisions and supervise
13 the First Partner in her position as an unpaid volunteer. Consequently, it does not appear
14 that Governor Kotek violated the nepotism statutes.

15
16 *Conflicts of Interest and Prohibited Use of Office*

17 As noted above, unlike any other public official, First Lady Kotek Wilson became a public
18 official by operation of law due to her relationship status with the Governor, as provided
19 in ORS 244.020(6) and (15). Nothing in ORS Chapter 244 prohibits the Governor from
20 providing public resources to assist a public official in the performance of official duties.

21
22 In a conflict of interest analysis, the question is whether Governor Kotek’s actions
23 provided either the Governor or the First Lady with a personal financial benefit or
24 detriment. Similarly, in a prohibited use of office analysis, the question is whether the
25 Governor used or attempted to use her official position or office to obtain a financial gain
26 or avoid a financial detriment for herself, a relative or member of the household, or any
27 associated business, if the financial gain or avoidance of financial detriment would not
28 otherwise be available but for the Governor holding of her official position or office.

29
30 The complaints allege that Governor Kotek brought in a state-funded adviser to explore
31 the possibility of forming an Office of the First Spouse, and “and to support and assist

1 Kotek's wife, Aimee Kotek Wilson." The complaints further allege that the Governor
2 provided the First Lady with office space, a computer and phone, staff support, and
3 security in order to allow her to serve the State of Oregon in her official capacity in support
4 of the administration. Neither the allegations, nor the available information, suggests that
5 the Governor provided government resources for the First Lady's private use. Rather,
6 the information available suggests the resources were provided to allow the First Lady to
7 perform official duties.

8

9 Based on the information available in this preliminary review, it does not appear that
10 Governor Kotek was met with a conflict of interest or engaged in a prohibited use of office.
11 As noted, the First Lady is serving in an unpaid, volunteer position. The Governor's action
12 of providing the First Lady with a state-funded adviser to explore the possibility of forming
13 an Office of the First Spouse appears to be related to official duties. Similarly, the
14 Governor's decisions to provide the First Lady with office space, support staff, and various
15 office supplies all appear to be connected to the First Lady's duties as a volunteer and
16 would appear to have no personal financial impact on the First Lady. The First Lady is not
17 employed elsewhere, has no private businesses, and does not appear to be engaged in
18 any self-employment activities while using the government-provided resources.
19 Therefore, she would not receive a personal financial gain or avoid a financial detriment
20 from being provided with these official resources.

21

22 The provision of security services is something that the Oregon State Police Dignitary
23 Protection Unit provides to the Governor, the First Partner, and the Governor's family due
24 to the high profile nature of the public offices of Governor and First Partner. Provision of
25 these services is at the discretion of the Superintendent of State Police and is based on
26 the Superintendent's analysis of potential threats or dangers. Further, there is no
27 indication that the Governor or First Lady are using these services as a way to either
28 achieve a private financial benefit or to avoid a financial detriment associated with their
29 private lives.

30 ///

31 ///

1 We note that had the Governor unilaterally decided to provide the First Lady with a salary
2 or other private benefits, the above analysis would be different. The analysis would also
3 be different if there was any suggestion that the public duties of the First Lady could
4 financially benefit a private business with which the First Lady was associated. However,
5 those are not the facts presented in these complaints. The available information
6 establishes that the Governor's actions were lawful under ORS Chapter 244.

7
8 Finally, we wanted to address why the Government Ethics Laws would not apply with
9 respect to the Governor asking her staff to call Cascadia Behavioral Health regarding an
10 employment matter involving a friend of the First Lady. This action would not give rise to
11 a conflict of interest or prohibited use of office violation under ORS Chapter 244. First
12 Lady Kotek Wilson confirmed that the Cascadia employee is a former colleague and not
13 a relative or household member of either her or the Governor. That distinction is key, as
14 the Government Ethics Laws apply to taking actions or making decisions that could have
15 financial impacts on the public officials, their relatives or household members, or their
16 associated businesses. Decisions or actions that might have financial impacts on friends
17 and former colleagues are not included in the prohibitions set forth in ORS Chapter 244.
18 Thus, the Governor did not violate any of the laws in ORS Chapter 244 when she made
19 this request.

20
21 Conclusion and Recommendation
22 There is not a substantial objective basis in this case to believe that Governor Kotek has
23 violated any of the statutes in ORS Chapter 244. The Oregon Government Ethics
24 Commission should move to dismiss the complaints. (Motion 2).

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- 1 **ASSOCIATED DOCUMENTS:**
- 2 #PR1 Complaint from Paul May, submitted on 3/25/2024.
- 3 #PR2 "Gov. Tina Kotek considering creating Office of First Spouse," The
4 Oregonian/OregonLive, 3/24/2024.
- 5 #PR3 Duplicate complaint from Jason Augusta, submitted on 3/25/2024.
- 6 #PR4 "Governor's Office Confirms That First Lady Has State-Paid Office Space
7 and, Starting Monday, Staff," Willamette Week, 3/23/2024.
- 8 #PR5 "Capital Chatter: Not a first for First Spouse questions," Oregon Capital
9 Insider, 3/28/2024.
- 10 #PR6 "Top Kotek staff were concerned about first lady's role, security requests,
11 records show," Oregon Capitol Chronicle, 4/26/2024.
- 12 #PR7 Press release, "Governor Kotek Issues Statement on Role of First Spouse,"
13 5/1/2024.
- 14 #PR8 Response letter from attorney Derek Johnson, dated 5/3/2024.
- 15 #PR9 Supplemental responses, submitted 5/22/2024.
- 16 #PR10 Request for Commission Advisory Opinion, dated 4/5/2024.
- 17 #PR11 Response for request for Commission Advisory Opinion, dated 4/5/2024.

PREPARED and APPROVED BY Susan V. Myers, Executive Director *sum 5/23/24*

REVIEWED BY Daniel R. Gilbert, Assistant Attorney General *via email 5/23/24*