



# Oregon

Kate Brown, Governor

## Government Ethics Commission

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January 3, 2020

### LETTER OF EDUCATION

Frankie Petrick  
c/o Dan Lawler  
The Local Government Law Group  
975 Oak Street, Suite 700  
Eugene, Oregon 97401

Re: Frankie Petrick  
Case No. 19-044ESM

Dear Ms. Petrick:

This letter is to educate you about actions you took that resulted in your violating provisions of Oregon Government Ethics law. This letter is issued in lieu of a civil penalty as authorized in ORS 244.350(5) and is to educate you on the requirements that ORS Chapter 244 places on you as a public official.

Oregon's prohibited use of office statute, ORS 244.040, prohibits a public official from using or attempting to use their official position or office to obtain a financial gain or avoid a financial detriment for themselves, their relatives or household members, or any businesses with which they or their relatives/household members are associated, if the financial gain or avoidance of detriment would not otherwise be available but for the public official's holding of the official position or office. In pertinent part, this statute directs that public officials must not use their agency's resources, equipment or personnel for their own private benefit or that of their relatives or businesses.

In this case, you used your position as the Fire Chief and District Administrator for the Yachats Rural Fire Protection District (District) to direct District employees to use District vehicles to slow or block traffic on the Yachats River Road so that you could move your herd of cattle from one pasture to another. Additionally, on another occasion you directed District employees to assist you in moving your son's furniture out of his apartment and into a moving truck. Your actions provided a financial benefit and avoidance of financial detriment to you and to your son that would not otherwise be available but for your position as a public official.

Another part of Oregon Government Ethics law is Oregon's gift clause. ORS 244.025 prohibits public officials from accepting gifts exceeding an aggregate value of \$50 in a calendar year from a single source that could reasonably be known to have a legislative

or administrative interest. A legislative or administrative interest is an economic interest, distinct from that of the general public, in any matter subject to the decision of the public official when acting in their official capacity. [ORS 244.020(10)].

A public official may not accept a gift or gifts exceeding \$50 per calendar year if the source of the gift has a legislative or administrative interest. When offered such a gift, the public official should determine the source of the gift and examine whether that source has an economic interest, distinct from that of the general public, in the public official's decisions. If the source of the gift has such an interest, the public official should not accept the gift.

In this case, the South Lincoln Ambulance Company (SLA) has written agreements with the District to provide services and supplies to the District and to house its ambulances at the District's main fire station. Each December, the SLA provided you, as the fire chief and District administrator, with cash gifts in excess of \$50 per calendar year. From 2015 through 2018, these cash gifts totaled \$1,750. Because of its contractual relationship with the District, the SLA has a legislative or administrative interest in your decisions as the District administrator. Thus, you are prohibited from accepting gifts in excess of \$50 per calendar year from the SLA.

If the SLA were to make its annual gifts to the District, rather than to individual employees, then the District Board could include those monies in the official compensation packages for its employees. An official compensation package includes the wages and other benefits provided to the public official, and must be specifically approved by the public body. [OAR 199-004-0035(3)]. As the District administrator, you cannot accept these gifts unless they come from the District, rather than from the SLA, and are part of your official compensation package.

This letter of education was chosen as a sanction for your violation of Oregon Government Ethics law because this is your first violation and because during the course of this investigation you reimbursed the South Lincoln Ambulance Company for the \$1,750 in gifts that you had received. Future violations, however, may carry increased penalties.

Sincerely,



Nathan Sosa  
Commission Chair