



## OREGON HOUSE OF REPRESENTATIVES

June 20, 2025

Susan V. Myers  
Oregon Government Ethics Commission  
3218 Pringle Road SE, Suite 220  
Salem, OR 97302

*Submitted online and via email to: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov); [susan.myers@ogec.oregon.gov](mailto:susan.myers@ogec.oregon.gov)*

### **Re: Report of violations of ORS 171.764 by the Service Employees International Union Local 503 and its representatives**

Ms. Myers,

Pursuant to ORS 171.778,<sup>1</sup> we, the undersigned Oregon state legislators, write to report violations of ORS 171.764 by the Service Employees International Union (SEIU) Local 503 and its representatives.

Specifically, SEIU Local 503 and its representatives violated ORS 171.764 when, on or around April 28, 2025, they provided “constituent postcards” to legislative officials that misrepresented individuals’ support for House Bill (HB) 3838 and contained explicit statements of personal support for the bill that, in at least some cases, SEIU Local 503 and its representatives knew to be false.

### **Background**

Throughout the 2025 legislative session, SEIU Local 503 has advocated for the passage of HB 3838, legislation that would create a statewide “workforce standards board” to determine wages, benefits and other working standards for employees in various individual and group in-home and

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<sup>1</sup> ORS 171.778(1)(a) provides that, “Any person may file with the Oregon Government Ethics Commission a signed written complaint alleging that there has been a violation of any provision of ORS 171.725 to 171.785 or of any rule adopted by the commission under ORS 171.725 to 171.785. The complaint shall state the person’s reason for believing that a violation occurred and include any evidence relating to the alleged violation.”

residential care settings.<sup>2</sup> SEIU Local 503 is the bill’s primary supporter and has described HB 3838 as its “top priority.”<sup>3</sup>

HB 3838 has received considerable opposition from care providers within the affected industries, including some care providers who are currently represented by SEIU Local 503 for the purposes of collective bargaining.<sup>4</sup>

On April 28, 2025, the legislature’s House Committee on Rules held a public hearing on HB 3838.<sup>5</sup> That same day,<sup>6</sup> representatives of SEIU Local 503 visited legislators’ offices to drop off boxes containing approximately 1,000 “constituent postcards” expressing support for the bill.<sup>7</sup>

The front of each postcard stated, “I Support House Bill 3838. VOTE YES! Protect Oregon’s Seniors, People with Disabilities, & Long-Term Care Workers.”<sup>8</sup> (Emphasis in original). The back of each postcard was addressed to the senator or representative to whom it was delivered, listed the name and city of the individual constituent it was supposedly “from,” and contained the following message attributed to that individual:

“Please vote yes on House Bill 3838 to protect seniors, people with disabilities, and long-term care workers. It’s time for Oregon legislators to address the crisis in our long-term home and community-based care system.

You have my COMPLETE support and I urge you to do the right thing! Thanks!”<sup>9</sup>

The content of each postcard was entirely pre-printed. Aside from the state legislator to whom it was addressed and the name and city of the individual it was “from,” each of the postcards was identical. Upon information and belief, SEIU Local 503’s representatives delivered identical boxes of approximately 1,000 postcards to every Oregon state legislator.

In subsequent conversations with SEIU Local 503-represented care providers who were opposed to HB 3838, the state representatives bringing this complaint were asked to help find whether their names, or the names of any other care providers known to be opposed to the bill, were printed on any of the postcards.

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<sup>2</sup> HB 3838 (2025). <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/HB3838>

<sup>3</sup> SEIU Local 503. “Dignity Newsletter: June 13, 2025.” June 13, 2025. [https://seiu503.org/member\\_news/dignity-newsletter-june-13-2025/](https://seiu503.org/member_news/dignity-newsletter-june-13-2025/)

<sup>4</sup> See, generally, the legislative record for HB 3838 (2025): <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/HB3838>

<sup>5</sup> House Committee on Rules. Public hearing on April 28, 2025. <https://olis.oregonlegislature.gov/liz/2025R1/Committees/HRULES/2025-04-28-08-00/Agenda>

<sup>6</sup> See the Instagram post of state representative and co-complainant Ed Diehl on April 28, 2025, commenting on his receipt of the postcards. <https://www.instagram.com/p/DJAFTHgzf6K/>

<sup>7</sup> Copies of all 1,000 postcards (back side only) that were delivered to Sen. Kim Thatcher are available here: [https://drive.google.com/file/d/1-W-I5qwNhRnnBYAoo\\_xri1L5z2ZICMkA/view?usp=drive\\_link](https://drive.google.com/file/d/1-W-I5qwNhRnnBYAoo_xri1L5z2ZICMkA/view?usp=drive_link)

<sup>8</sup> A complete copy (front and back) of SEIU Local 503’s “constituent postcard” is available here: [https://drive.google.com/file/d/1TEo-Md6AORxwZvNIIt5\\_IN4onrEn9fJFp/view?usp=drive\\_link](https://drive.google.com/file/d/1TEo-Md6AORxwZvNIIt5_IN4onrEn9fJFp/view?usp=drive_link)

<sup>9</sup> *Id.*

On June 12, 2025, Rep. Ed Diehl received a voicemail from Nicki Douglas, an adult foster care home provider from Bend who had learned that her name and city were printed on one of the postcards.<sup>10</sup> Ms. Douglas explained that she did *not* support HB 3838 and stated adamantly that she had never signed anything or otherwise provided her name to SEIU Local 503 for the purpose of supporting the bill.<sup>11</sup>

Despite the fact that Ms. Douglas strongly opposed HB 3838 and never agreed to support the bill, SEIU Local 503 and its representatives provided legislators with a postcard explicitly stating that she supported HB 3838.<sup>12</sup>

On or around June 13, 2025, Rep. Diehl discovered that another postcard identified Shannon Carskadon,<sup>13</sup> an adult foster home owner and provider from Forest Grove who had publicly opposed HB 3838 in written testimony submitted to the House Committee on Rules.<sup>14</sup>

In an email to Rep. Diehl, Ms. Carskadon expressed her “shock, disgust and disappointment” over learning that “[her] name appears on a postcard mailer stating [that she] support[s] SEIU’s HB 3838.”<sup>15</sup> She further explained how she had, in fact, vocalized her *opposition* to HB 3838 directly to SEIU Local 503’s executive director long before SEIU Local 503 delivered the postcards to legislators:

“I was present at the capital, at the very first hearing where I met [SEIU Local 503 executive director] Melissa Unger with [another care provider]. Melissa was very surprised to see [the other care provider] there and in a face-to-face conversation with her, I expressed my concerns and opposition to the bill, again directly to her personally.”<sup>16</sup>

Ms. Carskadon went on to point out that SEIU Local 503’s postcard falsely stating that she supported HB 3838 likely “stems from a very misleading Facebook post on April 3, 2025.”<sup>17</sup>

The post to which Ms. Carskadon referred, made by SEIU Local 503 on its official Facebook page on April 3, 2025, consisted primarily of a large, colorful graphic that stated, “Tell Oregon Lawmakers We Need Care Standards Now! 100 More Signatures To Reach Our Goal.”<sup>18</sup> Below the graphic, the Facebook post asked visitors to, “Support much needed change in the direct care industry” and prompted them to click a corresponding button entitled “Sign up.”<sup>19</sup>

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<sup>10</sup> A recording of the voicemail Rep. Diehl received from Nicki Douglas is available here: [https://drive.google.com/file/d/1jbhA38FHlyRPIUIYbvkuWDrM-iv5iEd/view?usp=drive\\_link](https://drive.google.com/file/d/1jbhA38FHlyRPIUIYbvkuWDrM-iv5iEd/view?usp=drive_link)

<sup>11</sup> *Id.*

<sup>12</sup> A copy of the postcard identifying Ms. Douglas is available here: [https://drive.google.com/file/d/18vk-6xzAWebKjJfGqPBkxHO9JQJwkr/view?usp=drive\\_link](https://drive.google.com/file/d/18vk-6xzAWebKjJfGqPBkxHO9JQJwkr/view?usp=drive_link)

<sup>13</sup> A copy of the postcard attributed to Ms. Carskadon is available here: [https://drive.google.com/file/d/1BT9ZOxul89zC7aHkPGoDvB8FWV\\_PL88i/view?usp=drive\\_link](https://drive.google.com/file/d/1BT9ZOxul89zC7aHkPGoDvB8FWV_PL88i/view?usp=drive_link)

<sup>14</sup> Ms. Carskadon’s written testimony opposing HB 3838 is available here: <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/PublicTestimonyDocument/199512>

<sup>15</sup> A copy of the email from Ms. Carskadon to Rep. Diehl is available here: [https://drive.google.com/file/d/1Af4ltYake2RbetcgMRMB0P08eYFN\\_33x/view?usp=drive\\_link](https://drive.google.com/file/d/1Af4ltYake2RbetcgMRMB0P08eYFN_33x/view?usp=drive_link)

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

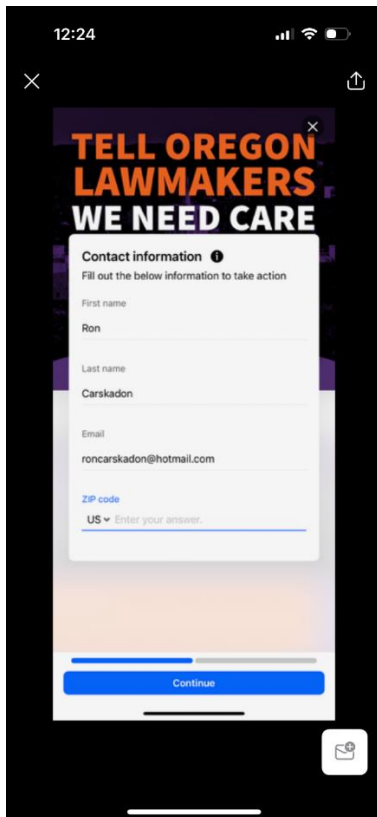
<sup>18</sup> SEIU Local 503’s April 3, 2025, Facebook post is available here: <https://www.facebook.com/SEIULocal503/posts/the-direct-care-industry-is-in-crisis-and-workers-patients-and-families-are-all-1064130942420718/>

<sup>19</sup> *Id.*

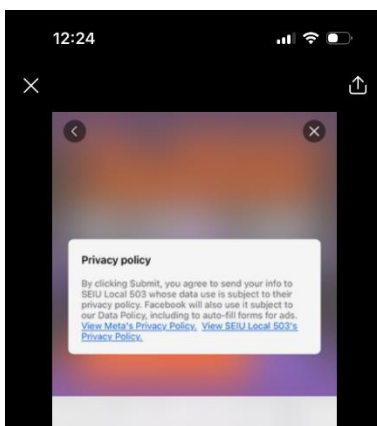
Though the graphic referenced “signatures” and was accompanied by a short paragraph of text asking visitors to, “Sign the petition to tell your lawmakers [that you] support a workforce standards board,” nothing in SEIU Local 503’s Facebook post identified HB 3838 by its bill number or, for that matter, provided any other indication that it referred to an actual—let alone specific—piece of legislation.

Ms. Carskadon later documented this fact by walking through each of the Facebook post’s prompts with her husband. The below images illustrate each step of that process.

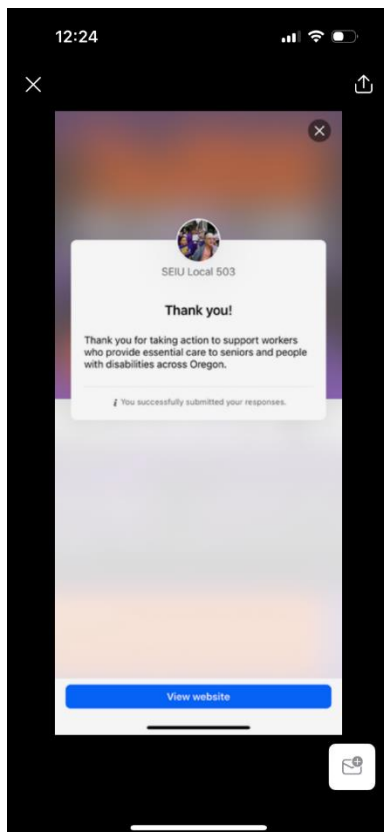
First, upon clicking the button to “Sign up,” Ms. Carskadon and others were presented with a pop-up, fillable form asking them to provide their first and last name, email address, and zip code. The form contained no mention of HB 3838 or any other bill, directing individuals only to, “Fill out the below information to take action.”



After providing the requested contact information and clicking “Continue,” Ms. Carskadon and others were then directed to SEIU Local 503’s privacy policy.



Finally, upon clicking “Submit,” Ms. Carskadon and others were presented with a confirmation message from SEIU Local 503 thanking them for “taking action to support workers who provide essential care to seniors and people with disabilities across Oregon.” Like the other elements of its Facebook post, SEIU Local 503’s confirmation message did not mention anything about HB 3838 or any other bill.



In her email to Rep. Diehl, Ms. Carskadon explained that she publicly objected to SEIU Local 503’s Facebook post soon after completing the form, warning others in a comment on the post that it was “very shady.”<sup>20</sup>

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<sup>20</sup> A copy of the email from Ms. Carskadon to Rep. Diehl is available here: [https://drive.google.com/file/d/1Af4ItYAKE2RbetcgMRMB0P08eYFN\\_33x/view?usp=drive\\_link](https://drive.google.com/file/d/1Af4ItYAKE2RbetcgMRMB0P08eYFN_33x/view?usp=drive_link)

Ms. Carskadon clearly opposed HB 3838, having expressed this directly to SEIU Local 503 leaders and in public testimony against the bill. Furthermore, she promptly objected to having filled out the sign-up form that accompanied SEIU Local 503's April 3, 2025, Facebook post, leaving a public comment to that effect on SEIU Local 503's official Facebook page.

Despite Ms. Carskadon's known opposition to HB 3838, SEIU Local 503 and its representatives provided legislators with a postcard explicitly stating that she supported the bill.<sup>21</sup>

### **Allegations and Arguments**

Oregon state legislators are legislative officials within the meaning of ORS 171.725(7).<sup>22</sup>

The representatives of SEIU Local 503 who delivered the "constituent postcards" to legislators are plainly lobbyists within the meaning of ORS 171.725(9).

ORS 171.725(9) defines lobbyist as:

- “(a) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying.
- (b) Any person not otherwise subject to paragraph (a) of this subsection who provides personal services as a representative of a corporation, association, organization or other group, for the purpose of lobbying.
- (c) Any public official who lobbies.”

Though lobbyists are required to register with the Oregon Government Ethics Commission (“the Commission”) upon exceeding certain time and expenditure thresholds or upon agreeing to provide personal services for money or any other consideration for the purpose of lobbying,<sup>23</sup> nothing in the statute's definition requires that a lobbyist be registered with the Commission for purposes of compliance with ORS 171.764 or any other statutes to which the definition is otherwise applicable.

This fact is evident from the statutory language itself. The definition of lobbyist found in ORS 171.725(9) is not contingent upon such registration, nor do the provisions of ORS 171.735—which provide exceptions to the state's lobbyist registration requirements for persons who neither exceed the applicable thresholds nor provide personal services for money or other consideration for the purpose of lobbying—exempt any person from that definition. Rather, ORS 171.735 specifies only that certain persons are exempted from the lobbying *registration* and *reporting* requirements found in ORS 171.740 and 171.745.

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<sup>21</sup> A copy of the postcard attributed to Ms. Carskadon is available here:

[https://drive.google.com/file/d/1BT9ZOxul89zC7aHkPGoDvB8FWV\\_PL88i/view?usp=drive\\_link](https://drive.google.com/file/d/1BT9ZOxul89zC7aHkPGoDvB8FWV_PL88i/view?usp=drive_link)

<sup>22</sup> ORS 171.725(7) defines “legislative official” as “any member or member-elect of the Legislative Assembly, any member of an agency, board or committee that is part of the legislative branch, and any staff person, assistant or employee thereof.”

<sup>23</sup> See ORS 171.740.

Whether registered with the Commission or not, there is no question that SEIU Local 503's representatives "provide[d] personal services as a representative of a corporation, association, organization or other group, for the purpose of lobbying,"<sup>24</sup> as defined in ORS 171.725(9)(b), when they visited the offices of Oregon state legislators to lobby for the passage of HB 3838 and provide legislators with SEIU Local 503's "constituent postcards" supporting the bill.

Even so, Commission records show at least 14 active lobbyist registrations associated with SEIU Local 503 for the 2024-25 reporting period.<sup>25</sup> There is a high likelihood that at least some of those responsible for delivering the postcards are registered with the Commission. Notwithstanding the fact that a person's registration (or lack thereof) has no bearing on whether he or she is a lobbyist within the meaning of ORS 171.725(9) and ORS 171.764, the Commission should investigate to determine which, and how many, of SEIU Local 503's representatives were involved in such lobbying efforts.

Additionally, SEIU Local 503 itself—though registered as a client/employer of its lobbyists—is also a "lobbyist" for purposes of the definition found in ORS 171.725(9)(b) and the Commission's enforcement of ORS 171.764.

As explained above, Oregon's lobby law specifies when lobbyists must register with and report to the Commission but does not predicate the term itself on one's registration type or status. Under ORS 171.725(9)(b), a lobbyist is "[a]ny person not otherwise subject to paragraph (a) of [the statute] who provides personal services as a representative of a corporation, association, organization or other group, for the purpose of lobbying."

"Person" is not defined in ORS Chapter 171. However, there are numerous reasons to conclude that SEIU Local 503 is a "person" within the meaning of ORS 171.725(9)(b), and consequently that it represents and provides services on its own behalf for the purpose of lobbying.

First, Oregon's statutory construction laws do provide a definition of "person" to be used in all statutes where a different meaning does not apply. ORS 174.100 specifically provides, "As used in the statute laws of this state, unless the context or a specially applicable definition requires otherwise... 'Person' includes individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies."<sup>26</sup>

Second, it is otherwise a principle of statutory construction in Oregon that legal terms used and not defined in a statute are given their accepted legal definition.<sup>27</sup> *Black's Law Dictionary* similarly provides that the definition of "person" includes both a natural person and an "entity (such as a corporation) that is recognized by law as having most of the rights and duties of a human being...

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<sup>24</sup> ORS 171.725(8) defines "lobbying" as "influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of executive officials or other persons to influence or attempt to influence legislative action or attempting to obtain the goodwill of legislative officials."

<sup>25</sup> OGE. "Public Records Lookup." Search results for 2024-25 lobbyist registrations, Business Name = "SEIU Local 503." Accessed June 17, 2025. <https://apps.oregon.gov/OGEC/EFS/Records>

<sup>26</sup> ORS 174.100(7).

<sup>27</sup> *Crawford v. Linn Cnty.*, 11 Or. 482, 5 P. 738 (1885).

In this sense, the term includes partnerships and other associations, whether incorporated or unincorporated.”<sup>28</sup>

Finally, the legislature clearly chose to use a different term, “person,” in paragraph (b) of ORS 171.725(9) than it did in paragraph (a) of that same statute (“individual”). According to the legislature, Oregon’s longstanding doctrine of statutory construction also provides that, “It is axiomatic that when the legislature in adopting an Act makes use of plain, unambiguous and understandable language, it is presumed to have intended precisely what its words imply.”<sup>29</sup> The legislature’s unambiguous use of the term “person” in subsection (b) of ORS 171.725(9) thus clearly indicates that it intended the phrase “[a]ny person not otherwise subject to subject to paragraph (a)” to encompass a far broader range of potential lobbyists—whether natural persons or entities—than the “individuals” specified in paragraph (a).

SEIU Local 503 is plainly a “person” and, having unquestionably represented the organization’s own lobbying interests when it planned, created, and ultimately caused the “constituent postcards” supporting HB 3838 to be received by legislative officials, also a “lobbyist” as that term is used in ORS 171.725(9)(b) and ORS 171.764.

ORS 171.764 provides:

- “(1) No lobbyist or public official, as defined in ORS 244.020, shall make any false statement or misrepresentation to any legislative or executive official or, knowing a document to contain a false statement, cause a copy of such document to be received by a legislative or executive official without notifying such official in writing of the truth as prescribed in subsection (2) of this section.
- (2) It is a defense to a charge of violation of subsection (1) of this section if the person who made the false statement or misrepresentation retracts the statement or misrepresentation and notifies the official in writing of the truth:
  - (a) In a manner showing complete and voluntary retraction of the prior false statement or misrepresentation; and
  - (b) Before the subject matter of the false statement or misrepresentation is submitted to a vote of a legislative committee or either house of the Legislative Assembly or is relied upon by an executive official in an administrative hearing.
- (3) As used in this section:
  - (a) ‘False statement or misrepresentation’ means the intentional misrepresentation or misstatement of a material fact.
  - (b) ‘Material’ means that which may have affected the course or outcome of any proceeding or transaction if known prior to the proceeding or transaction.”

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<sup>28</sup> PERSON, Black’s Law Dictionary (12th ed. 2024).

<sup>29</sup> Oregon State Legislature. “Construction of Statutes and General Definitions.”

[https://www.oregonlegislature.gov/bills\\_laws/permanentAnnos/Chapter%20174.pdf](https://www.oregonlegislature.gov/bills_laws/permanentAnnos/Chapter%20174.pdf)

SEIU Local 503’s “constituent postcards” clearly misrepresented and contained false statements about individuals’ support for HB 3838. The postcards misrepresented not only the positions of Ms. Douglas and Ms. Carskadon, but likely those of many other individuals who either never provided their name to SEIU Local 503 for advocacy purposes whatsoever or who, like Ms. Carskadon, responded to SEIU Local 503’s solicitations to help improve care standards without ever being notified that doing so meant signing on to a personal statement explicitly supporting HB 3838.

Agreeing to support broad concepts like improving “care standards,” bringing about “change in the direct care industry,” or even the need for a “workforce standards board” is markedly different than agreeing to support a specific piece of legislation, HB 3838, which, like most legislation, contains highly detailed provisions that carry significant legal implications for care providers and their work. Clearly, many care providers affected by HB 3838 do *not* support the bill,<sup>30</sup> but as Ms. Carskadon’s experience suggests, SEIU Local 503 nonetheless treated any individuals who filled out the form on its April 3, 2025, Facebook post as having authorized an explicit statement of support for HB 3838, and proceeded to create postcards on that basis falsely stating that they supported the bill.

In fact, *none* of the individuals who filled out the form on SEIU Local 503’s Facebook post truly consented to making the statements contained in its “constituent postcards,” because neither the post nor the form provided by SEIU Local 503 contained any mention of HB 3838, any other piece of legislation, or disclosed the statement that would be attributed to them. At most, Ms. Carskadon and others expressed support for the general idea of a workforce standards board—yet legislators were provided with postcards stating that these individuals “Support House Bill 3838” and were asking legislators to “Vote yes on House Bill 3838.”<sup>31</sup>

In short, there is no question that SEIU Local 503’s postcards misrepresented and attributed false statements of support for HB 3838 to Ms. Douglas, Ms. Carskadon, and perhaps many or all of the other individuals who were named on the cards.

There is strong reason to believe that SEIU Local 503’s misrepresentation was knowing and intentional.

In Ms. Carskadon’s case, she had spoken personally with SEIU local 503’s executive director “at the very first hearing on HB 3838”<sup>32</sup>—more than a month before SEIU Local 503 and its representatives delivered the postcards to legislators<sup>33</sup>—at which time she expressed her strong

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<sup>30</sup> See, generally, the legislative record for HB 3838 (2025):

<https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/HB3838>

<sup>31</sup> A complete copy (front and back) of SEIU Local 503’s “constituent postcard” is available here:

[https://drive.google.com/file/d/1TEo-Md6AORxwZvNIIt5\\_IN4onrEn9fJFp/view?usp=drive\\_link](https://drive.google.com/file/d/1TEo-Md6AORxwZvNIIt5_IN4onrEn9fJFp/view?usp=drive_link)

<sup>32</sup> A copy of the email from Ms. Carskadon to Rep. Diehl is available here:

[https://drive.google.com/file/d/1Af4ltYake2RbetcgMRMB0P08eYFN\\_33x/view?usp=drive\\_link](https://drive.google.com/file/d/1Af4ltYake2RbetcgMRMB0P08eYFN_33x/view?usp=drive_link)

<sup>33</sup> HB 3838’s first public hearing was held on March 17, 2025.

<https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/HB3838>

opposition to the bill. Ms. Carskadon then proceeded to provide public written testimony *against* HB 3838.<sup>34</sup>

More broadly, SEIU Local 503, as the bill’s architect and primary supporter, was well aware of the widespread opposition to HB 3838 among even its own members and care providers by the time it made the April 3, 2025 Facebook post (which occurred after the bill’s first public hearing)<sup>35</sup> and, because of this, undoubtedly made a conscious decision to avoid identifying HB 3838 or any other bill when soliciting signatures via the post. In doing so, SEIU Local 503 clearly intended to misrepresent the support it obtained via the Facebook post as having authorized the statements later printed on its “constituent postcards,” despite knowing that none of those individuals explicitly agreed to supporting HB 3838.

Furthermore, SEIU Local 503 is responsible for maintaining its official Facebook page and should have been aware that many individuals objected to the post—including Ms. Carskadon, who effectively notified SEIU Local 503 in a public comment that she disapproved of the solicitation after filling out the form and realizing its possible implications.<sup>36</sup>

SEIU Local 503’s misrepresentation was clearly “material” within the meaning of ORS 171.764. The level of grassroots (or “constituent”) support for a bill often carries significant influence over legislators’ voting decisions and there is no question that, in the case of a controversial and highly contested bill like HB 3838, the misrepresentations and false statements contained in the approximately 1,000 “constituent postcards” provided to legislators by SEIU Local 503 “may have affected the course or outcome of any proceeding or transaction if known prior to the proceeding or transaction.”<sup>37</sup> Legislative officials have, indeed, held additional proceedings on HB 3838 since SEIU Local 503 provided them with the postcards, voting to advance the bill out of the House Committee on Rules on June 12, 2025.<sup>38</sup>

By hand-delivering the boxes of postcards to each legislator’s office and addressing each postcard to the specific legislator to whom it was delivered, SEIU Local 503 and its representatives made the alleged misrepresentations “to” legislative officials and caused them to receive documents containing statements that SEIU Local 503 knew to be false.<sup>39</sup>

Finally, there is no evidence that SEIU Local 503 retracted any of the misrepresentations or false statements contained in its postcards and notified legislative officials of the truth, as required by ORS 171.764(2), prior to legislators’ subsequent vote on HB 3838 in the House Committee on Rules.

### **Enforcement and Penalties**

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<sup>34</sup> Ms. Carskadon’s written testimony opposing HB 3838 is available here: <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/PublicTestimonyDocument/199512>

<sup>35</sup> *Id.*

<sup>36</sup> SEIU Local 503’s April 3, 2025, Facebook post is available here: <https://www.facebook.com/SEIULocal503/posts/the-direct-care-industry-is-in-crisis-and-workers-patients-and-families-are-all-/1064130942420718/>

<sup>37</sup> ORS 171.764(3)(b).

<sup>38</sup> See, generally, the legislative record for HB 3838 (2025): <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/HB3838>

<sup>39</sup> ORS 171.764(1).

Pursuant to ORS 171.776 and 171.778, the Commission has a duty to investigate, upon a signed complaint by any individual or upon its own instigation, apparent violations of any provisions of ORS 171.725 to 171.785.

ORS 171.992 provides that “[a]ny person who violates any provision of ORS 171.740 to 171.762, or any rule adopted under ORS 171.725 to 171.785, shall forfeit and pay to the General Fund for each violation a civil penalty of not more than \$5,000, to be determined by the Oregon Government Ethics Commission,” and further authorizes the Commission to “issue a written letter of reprimand, explanation or education” related to the violation(s).<sup>40</sup>

Pursuant to the authority granted to it under ORS 244.290(2), the Commission has adopted rules promulgated in OAR Chapter 199 “to carry out its duties” under ORS 171.725 to 171.785 and 171.992.

Excluding the late filing of lobbyist reports, OAR 199-010-0150(2) provides that “the Commission will identify each action that constitutes a violation of ORS Chapter 171 and when multiple violations are committed, will charge them” in the manner further described in subsection (2)(a) of the rule.

OAR 199-010-0150(2)(a) describes, “When a lobbyist or client/employer of a lobbyist has committed two or more violations by repeated equivalent actions, the Commission will charge the lobbyist or client/employer with a single violation and count the repeated actions using the number of the equivalent acts as aggravating factors when imposing any sanction as discussed in (2)(b) of this rule.”

Subsection (2)(a) provides several examples “to illustrate this rule” that are “not meant to limit its application,” including that:

- If a lobbyist fails to register as such for multiple clients/employers, each violation “will be combined into the charge of one violation with each additional failure to register being counted as an equivalent action”; and
- When a lobbyist or the client/employer of a lobbyist fails to report a lobbying expenditure for the benefit of multiple legislative or executive officials “who participated in the same event, the multiple violations will be combined into the charge of one violation with each additional failure to report an official being counted as an equivalent action.”<sup>41</sup>

Consequently, subsection (2)(b) of the rule provides:

“When two or more single violations are charged as one violation, each additional violation by this rule will be counted as an equivalent action. The number of equivalent acts will be identified as an aggravating factor and included in the calculation of any assessment of a civil penalty that would constitute a sanction as described in OAR 199-008-0015.”<sup>42</sup>

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<sup>40</sup> ORS 171.992(4).

<sup>41</sup> OAR 199-010-0150(2)(a).

<sup>42</sup> OAR 199-010-0150(2)(b).

OAR 199-008-0015 describes the Commission’s penalty matrix for imposing sanctions, including civil penalties, for violations of ORS Chapter 171 and other laws under the Commission’s jurisdiction, with corresponding “tables” provided for calculating penalties based on a combination of aggravating and mitigating factors.<sup>43</sup> Factors listed in the Commission’s “Table A” include those such as the number of violations, equivalent actions, and whether or not any action was taken to self-report or rectify an alleged violation, while “Table B” establishes the standard penalties based on the point total from Table A.<sup>44</sup>

SEIU Local 503 misrepresented the positions of at least two individuals, Ms. Douglas and Ms. Carskadon, to all 90 members of the Oregon legislature when, upon information and belief, it provided every state legislator with the identical “constituent postcards” falsely stating that they supported HB 3838. Additionally, because the facts surrounding SEIU Local 503’s postcard solicitation efforts suggest that many—or perhaps all—of the approximately 1,000 individuals named on the postcards never actually authorized the statement attributed to them, the Commission should investigate to determine the full scope and number of individuals whose support for HB 3838 was misrepresented by SEIU Local 503.

The multiple violations of ORS 171.764 by SEIU Local 503 and its representatives clearly constitute “equivalent actions” under the Commission’s rules. Just as the Commission explains that failure to report a lobbying expenditure for the benefit of multiple public officials results in multiple “equivalent actions” with respect to each public official who obtained the benefit,<sup>45</sup> so, too, does SEIU Local 503’s provision of the postcards to all 90 legislators constitute multiple “equivalent actions” in violation of ORS 171.764 for each individual—at a minimum, Ms. Douglas and Ms. Carskadon—whose support for HB 3838 it misrepresented.

Resulting in no less than 180 points for equivalent actions under the Commission’s penalty matrix (*see* Table A), SEIU Local 503’s numerous violations in this case easily warrant that 80 to 100 percent of the maximum civil penalty for each violation should rightfully be imposed (*see* Table B).<sup>46</sup>

For all of the foregoing reasons, the Commission should exercise its duty under OAR 199-010-0150(2) to identify and charge “each action that constitutes a violation of ORS Chapter 171” and, pursuant to ORS 171.992, impose 80 to 100 percent of the maximum civil penalty of \$5,000 for each equivalent action by SEIU Local 503 in violation of ORS 171.764.

### **Conclusion**

SEIU Local 503 and its representatives violated ORS 171.764 when, on or around April 28, 2025, they provided “constituent postcards” to legislative officials that blatantly misrepresented individuals’ support for House Bill (HB) 3838 and contained explicit statements of personal

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<sup>43</sup> OAR 199-008-0015 and the corresponding penalty matrix/tables published by the Commission are available here: <https://www.oregon.gov/ogec/Documents/Rule%20and%20Matrix.pdf>

<sup>44</sup> *Id.*

<sup>45</sup> OAR 199-010-0150(2)(a).

<sup>46</sup> OAR 199-008-0015 and the corresponding penalty matrix/tables published by the Commission are available here: <https://www.oregon.gov/ogec/Documents/Rule%20and%20Matrix.pdf>

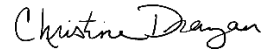
support for the bill that, in at least some cases, SEIU Local 503 and its representatives knew to be false. There is strong evidence that SEIU Local 503's misrepresentations were knowing and intentional, and no evidence to suggest that it issued the subsequent retractions and corrections required by ORS 171.764.

Please let us know if we can provide any additional information or other assistance to help the Commission promptly resolve these allegations.

Respectfully,



Representative Ed Diehl  
House District 17



Representative Christine Drazan  
House Minority Leader  
House District 51



Representative Lucetta Elmer  
House District 24



Representative Shelly Boshart Davis  
House District 15



Representative Emily McIntire  
House District 56



Representative Virgle Osborne  
House District 2



Representative Mark Owens  
House District 60



Representative E. Werner Reschke  
House District 55