

March 9, 2022

Lori L. Brocker
Secretary of the Senate
Oregon State Capitol
900 Court Street NE, Room 233
Salem, OR 97301

RE: Complaint Against Senator Akasha Lawrence Spence

Dear Secretary Brocker,

Per Senate Rule 3.33, members of the Oregon Senate are required to declare any potential or actual conflicts of interest as defined by ORS 244.040.

We believe our state senator, Akasha Lawrence Spence, failed to comply with this rule when voting on Senate Bill 1579¹. Please accept this letter as our formal complaint as prescribed in Senate Rule 3.33(3).

Senate Bill 1579 creates the Economic Equity Investment Program within Oregon Business Development Department. The Economic Equity Investment Program is responsible for providing grant funding to organizations in order to provide "outreach, support and resources" to "individuals, families, businesses or communities" who have two "economic equity risk factors." SB 1579 defines economic risk factors as (a) *Experience of discrimination because of race or ethnicity*; (b) *English language proficiency*; (c) *Citizenship status*; (d) *Socioeconomic status*; or (e) *Residence or operation in a rural location*.

The stated goal of this funding is to "improve economic equity" as defined as (a) *Ownership of land, principal residences and other real property*; (b) *Entrepreneurship*; (c) *Business development*; (d) *Workforce development*; and (e) *Intergenerational wealth building, such as savings, investments and real property equity*.

Senator Akasha Lawrence Spence is the Founder and Principal of Fifth Element LLC. According to business filings with the Secretary of State², Fifth Element's primary business activity is "conscientious real estate development." Fifth Element's website³ provides more information about what that means with statements like, "We provide the vehicle for these small business owners to diversify their businesses and build wealth through commercial property ownership⁴," "Helping small businesses achieve ownership is only the first step⁵," and "fortifying small businesses through property ownership⁶."

¹ Senate Bill 1579: <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/SB1579/Enrolled>

² Oregon Records Management Solution, Oregon Secretary of State: <http://records.sos.state.or.us/ORSOSWebDrawer/Recordhtml/7838520>

³ Fifth Element's Website: <https://fifthelement.studio/>

⁴ Fifth Element's Website: <https://fifthelement.studio/>

⁵ Link to text: <https://fifthelement.studio/wesupport>

⁶ Link to text: <https://fifthelement.studio/>

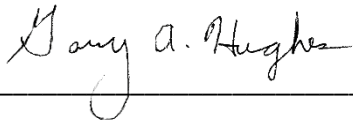
Fifth Element's LinkedIn profile⁷ describes their business as, a "conscientious real estate developer that incubates economic growth through a wealth equity lens."

Per ORS 244.040 a potential conflict of interest is defined as "any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated."

As we read SB 1579, under the Economic Equity Investment Program, taxpayer dollars will now be distributed to organizations to improve "economic equity." Section 2(3) defines measurements of "economic equity," the first being the ownership of real property. This is an explicit business activity of Fifth Element. It appears that Senator Lawrence Spence's business, Fifth Element, would be eligible for grant money through the Economic Equity Investment Program and, if awarded, she would receive pecuniary benefits from the passage of SB 1579.

In violation of Senate Rule 3.33, Senator Lawrence Spence did not declare an actual or potential conflict of interest when voting on the measure in either the February 22 vote in the Ways & Means subcommittee on Transportation and Economic Development or the February 28 vote on the Senate floor.

Please let us know if you have any questions.



Gary Hughes, Tigard



Gabriel Buehler, Tigard

⁷ Fifth Element's LinkedIn Profile: <https://www.linkedin.com/company/fifthelement/about/>