



# ETHICS REMINDERS

## Accepting Gifts—*yes and no*

Gift restrictions contained in the Public Officers Law and Commission regulations generally prohibit a State employee from accepting a gift exceeding \$15 in value from a person or entity that is either regulated by, has or wants a business or contractual relationship with, or lobbies the employee's agency (an "Interested Source"). Put more broadly, State employees are prohibited from accepting any gift where it would be reasonable, under the circumstances, to believe the gift is given with the intent to receive or reward favorable treatment in the employee's exercise of their official duties. As we will see below, a State employee can also commit an ethical violation by misusing their official authority in soliciting a gift.

There are a number of items that are excluded from the definition of a gift in the gift regulations and state law. Gifts from friends and family, for example, are normally perfectly fine, as is food and beverage valued—per occasion—at \$15 or less, unless the circumstances surrounding a specific exchange give rise to a conflict of interest under the Code of Ethics found in Public Officers Law § 74.

Another example of a "permitted" gift is discounts for goods and services that are offered to the public or broadly available to all State employees, or, sometimes, even a discount offered to a subset of State employees. For instance, you may accept a cell phone carrier's discount typically offered to all State employees. There are, however, circumstances when soliciting or accepting a "discount" may violate the State's ethics rules.

*Consider this enforcement action by the Commission:*

**An OGS project manager admitted to violating a provision of the Code of Ethics prohibiting the use of his public position for personal gain. The project manager was responsible for overseeing and evaluating the quality of a contractor's work on the renovation and expansion of a State facility. During the renovation, he asked the contractor for a price quote for a water filtration system that he intended to install at his personal residence. He purchased the system for a price which included the contractor's discount that would not normally have been available to him or the general public. As a result, he was fined \$2,000 and required to complete supplemental ethics training.**

It can even be permissible, on occasion, to accept a gift from an Interested Source, but only if, after careful review, the facts and circumstances surrounding the gift are found to be sufficiently compelling to overcome the presumption that the gift is prohibited. The State's ethics laws can be challenging to apply to specific situations, so be sure to contact your agency's Ethics Officer or a Commission Attorney of the Day for assistance regarding any gift question or other ethics issue you may encounter.

***The Commission on Ethics and Lobbying in Government periodically releases Ethics Reminders. Each reminder is a synopsis of the laws and rules under the Commission's jurisdiction. Ethics Reminders are issued to assist those who are subject to the Commission's jurisdiction in understanding and complying with their obligations under the law.***