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Always remember

**ASK FIRST,  
ACT LATER**

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# NEWSLETTER WINTER 2023

**“There is no more expensive thing than a free gift.”**

**- Michel de Montaigne**

It's that time of year again. Gift giving is in the air (along with the pollen) and it is time to take a look at what can or cannot be accepted, and what to do if you accidentally accepted a gift you shouldn't have.

Here are some things to consider:

## IDENTIFY WHO IS GIVING THE GIFT!



The Code prohibits

soliciting or accepting gifts valued at over \$100 (annually in the aggregate) from certain people or entities doing business with the County. The prohibition applies to Vendors, Bidders or Proposed Bidders, Lobbyists, and the Principal or Employer of a Lobbyist.



If the gift giver fits into one of the above categories and the gift value is more than \$100, then don't send that thank you card yet because the gift is PROHIBITED and must be declined.

If the giver is not in a prohibited category, the next step is:

# QUESTIONS?

Please call us. We are here to help. Common questions include:

- How do I know if someone is a lobbyist?
- How do I know if someone is a principal?
- How do I value a gift?
- How do I determine if someone is a vendor or a proposed vendor?
- What if I don't know who the gift came from?

Where do I get a form to report a gift and then where do I file it?

## DETERMINE THE VALUE OF THE GIFT!

If you are a local reporting individual, any gift valued in excess of \$100 per year given by anyone to a public employee **MUST** be reported on an annual basis.



Concerned about all of the gifts you were given over the holidays? Don't worry yet, there are lots of exceptions - this means that some gifts over \$100 fall outside of the reporting requirements.

**EXCEPTIONS:** Gifts from relatives or household members; Personal gifts from friends or co-workers as long as the motivation is personal or based on a social relationship; Awards for civic or professional achievement; Advertising materials; Gifts solicited for your public employer for a public purpose, Inheritance; Lawful political contributions; and, Costs related to conferences when attendance is for a governmental purpose and job related.

## WHAT DOES ALL OF THIS THIS MEAN TO YOU?

- A gift that falls into one of the above exceptions is not governed by the Code, no matter the value (this means it's ok to accept, and it doesn't need to be reported.)
- A gift that does not meet one of the exceptions and is valued at over \$100 is allowed, but must be reported.
- A gift from a prohibited source that is valued at \$100 or less may be accepted and doesn't need to be reported.
- A gift from a prohibited source that is valued over \$100 may not be accepted. If the gift has already been accepted, the problem can be fixed by either returning the gift or

reimbursing the source the amount in excess of \$100. This correction must be done within 90 days.

**Additionally:**

- You are **always prohibited** from accepting a gift from any person where the gift is in exchange for the past, present, or future performance of an official act or legal duty or otherwise constitutes a quid pro quo for an official action.
- It is always prohibited to solicit a gift of any value from a vendor, lobbyist, or principal or employer of a lobbyist where the gift is for the personal benefit of you, your family, or another official or employee.