

Gifts



A Publication of the New York State Commission on Public Integrity

The Public Employee Ethics Reform Act of 2007 prohibits gifts of more than nominal value.

What You Cannot Do

You are prohibited from soliciting or accepting any gift of more than nominal value if it would constitute a substantial conflict with the proper discharge of your State duties, or when it could be reasonably inferred that the gift was intended to influence you or could reasonably be expected to influence you in the performance of your official duties or was intended as a reward for any official action. *If you knowingly and intentionally do so, you are subject to a civil penalty of up to \$40,000 plus disgorgement of value of the gift, or being criminally charged with a Class A misdemeanor.*

What You Can Do

The following gifts can be accepted:

- reasonable and customary presents given on special occasions;
- gifts given by someone based on a family or personal relationship with you;
- an invitation to attend personal or private events with no connection to the State;
- meals received when you serve as a participant or speaker in a job-related professional or educational program and meals are available to all participants;
- modest items of food and refreshment offered other than as part of a meal;
- unsolicited advertising or promotional material of little intrinsic value;
- most awards and plaques presented in recognition of your service;
- rewards or prizes given to competitors in contests or events, including random drawings open to the public;
- under some circumstances, meals, entertainment or hospitality, but not travel or lodging, from a disqualified source when your participation at an event is for a State agency purpose and related to your official duties -- that is when your participation will further agency programs and the event is widely attended.

Applicable Rules

A gift may be in many forms, including money, loans, travel, meals, refreshments or entertainment.

The value of a gift is the retail cost to purchase it; the value of a ticket entitling you to food, refreshments, entertainment, etc. is the face value of the ticket; if no value is indicated, the value is the actual cost to the giver.

The offer of reciprocity, or even actual reciprocity, does not reduce the value of a gift given to you.

You may not designate a friend, family member or entity (for example, a charity) to receive a gift that you cannot receive.

The Commission on Public Integrity

The Commission was created by the Public Employee Ethics Reform Act of 2007, which merged the State Ethics Commission and the Temporary State Commission on Lobbying.

The Commission undertakes investigations of alleged violations of the law within its jurisdiction upon complaint or upon its own initiative. Complaints may be made anonymously.

The Commission has the power to subpoena witnesses and require the production of any relevant books or records.

The Commission encourages individuals, State agencies, private firms and others with questions about application of the law to particular situations to seek advisory opinions. These opinions provide guidance and direction concerning applications of the law.

More information is available at the Commission's website at www.nyintegrity.org or by calling the Commission at 518-408-3976 or fax: 518-408-3975.

**The Commission's offices are located at
540 Broadway
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