

SUBJECT: WEDDING GIFTS GIVEN TO PUBLIC EMPLOYEES

SUMMARY:

Two public employees who are to be married this fall must report wedding gifts given by a lobbyist principal, a person giving the gift because of their public positions, a person who is seeking a business or financial relationship with their agencies, or a person whose activities are regulated by their agencies. No dollar limitation exists on the value of such gifts.

QUESTION:

The Finance Director for the City of Newberry is planning to marry the Lee County Administrator in September. She questions the reporting requirements for wedding and shower gifts which they anticipate receiving. The gifts will be given by friends and relatives and will not be given to influence decisions in their governmental positions. She questions whether, if the gifts are reportable, the dollar limitations are doubled because the gifts belong to them jointly.

DISCUSSION:

This opinion is rendered in response to a letter dated February 24, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-710 provides:

(B) A public official, public member, or public employee required to file a statement of economic interests under Section 8-13-1110 who receives, accepts, or takes, directly or indirectly, from a person, anything of value worth twenty-five dollars or more in a day and anything of value worth two hundred dollars or more in the aggregate in a calendar year must report on his statement of economic interests pursuant to Section 8-13-1120 the things of value from:

- (1) a person, if there is reason to believe the donor would not give the thing of value but for the public official's, public member's, or public employee's office or position;
- (2) a person, or from an officer or director of a person, if the public official, public member, or public employee has reason to believe the person:
 - (a) has or is seeking to obtain contractual or other business or financial relationships with the public official's, public member's, or public employee's governmental entity;
 - (b) conducts operations or activities which are regulated by the public official's, public member's, or public employee's governmental entity.

Thus, if there are gifts from those classes of people, i.e., a lobbyist principal, a person who would

not give the gift but for their official position, a person who is seeking a business or financial relationship with their agencies, or a person whose activities are regulated by the two agencies, such gifts must be reported if they exceed \$25 per day or \$200 per year. There is no gift dollar limitation, merely a reporting requirement for disclosing the receipt of those gifts.

Gifts from immediate family members do not require disclosure as provided in Section 8-13-710(C).

The State Ethics Commission calls attention to Section 8-13-705 which provides:

A person may not, directly or indirectly, give, offer, or promise anything of value to a public official, public member, or public employee with the intent to:

(1) influence the discharge of a public official's, public member's, or public employee's official responsibilities...

Thus, gifts given to influence official actions are strictly prohibited.