



JCOPE'S GUIDE TO THE GIFT REGULATIONS

State Officers and Employees

I have been offered a Gift. How do I know if I can accept it?

JUST FOLLOW THESE STEPS:

1. Is the item or service being offered valued at \$15 or less?

YES –In most circumstances, you *may* accept the item.

If an item or service is less than “Nominal Value” it is not considered a Gift. The Commission will ordinarily consider items or services valued at \$15 or less to have a “Nominal Value.”

Be aware that the acceptance of multiple items or services from the same source that are less than “Nominal Value” could be impermissible if it creates an actual or apparent conflict of interest or gives the impression of improper influence.

NO – Go to No. 2

2. Does the item or service being offered fall into one of the exclusions in the Gift Regulations?

YES – You *may* accept the item or service as long as the acceptance does not create an actual or apparent conflict of interest or give the impression of improper influence.

NO – Go to No. 3

3. Is the item or service being offered by someone who is an Interested Source?

YES – Go to No. 4

NO – Go to No. 5

4. You generally *cannot* accept a gift from an Interested Source *unless* it is not reasonable to infer that the item or service was intended to influence you in your job or reward you for performing your job.

5. You generally *may* accept a Gift from someone who is not an Interested Source. If, however, it could be reasonably inferred or expected that the Gift was intended to influence you in your job or reward you for performing your job, you may *not* accept the Gift.

SOME EXAMPLES OF EXCLUSIONS ARE:

- Gifts from family members or friends
- Promotional items with no substantial resale value
- Awards, plaques or other ceremonial items
- Food or beverage valued at \$15 or less per occasion
- Meals for participants at a professional or educational program
- Complimentary attendance, including food and beverage, at a bona fide charitable event or a bona fide political event
- Complimentary attendance, including food and beverage, offered by the sponsor of a Widely Attended Event

For a list of all the exclusions, see the Gift Regulations (19 NYCRR Part 933.4(a)) on the Commission's website (www.jcope.ny.gov)



INTERESTED SOURCE

An Interested Source is a person who is: (i) regulated by your State agency; or (ii) does business (or is seeking to do business) with your State agency; or (iii) a registered lobbyist who lobbies your State agency (or the spouse or unemancipated child thereof); (iv) is involved in any ongoing official action or proceeding adverse to you or your State agency; or (v) has received or applied for funds from your State agency during the last 12 months.

WHO WE ARE



The New York State Joint Commission on Public Ethics was established as part of the Public Integrity Reform Act of 2011 ("PIRA"), which comprehensively reformed the oversight and regulation of ethics and lobbying in New York State.

The Commission -- which has oversight of the Legislative and Executive branches of State government, as well as lobbyists and their clients -- was created to restore public trust in government by ensuring compliance with the State's ethics and lobbying laws, regulations, and guidance.

The Commission provides information, education and advice regarding current ethics and lobbying laws and promotes compliance through audits, investigations and enforcement proceedings. It also promulgates regulations with respect to the conduct of State officers and employees, Members of the Legislature, and registered lobbyists and their clients.

Finally, the Commission, promotes transparency by making publicly available required disclosures filed by Statewide elected officials, Executive Branch officers and employees, Members of the Legislature and Legislative branch employees, candidates for Legislative and statewide offices, public benefit corporations, and lobbyists and their clients.

CONTACT US

If you have any questions regarding State ethics and lobbying rules or regulations, please do not hesitate to call or email the Commission at **(518) 408-3976** or [**jcope@jcope.ny.gov**](mailto:jcope@jcope.ny.gov)