So, you have been offered a gift.

- Did you pay for it or provide consideration?
  - Yes: You may not accept it
  - No: Is it from a lobbyist?
    - Yes: You may not accept it
    - No: Is it money?
      - Yes: Over $59
      - No: $59 or less
        - Over $59: Is the gift a benefit to you as an individual?
          - Yes: You may accept it
          - No: Is it a benefit to the institution rather than to you individually?
            - Yes: You may accept it
            - No: Consult with OLLS

- Is it a benefit to the institution rather than to you individually?
  - Yes: Consult with OLLS
  - No: Is the gift a benefit to you as an individual?
    - Yes: You may accept it
    - No: Is the offer to a designee rather than a specific individual?
      - Yes: Consult with OLLS
      - No: Is the offer extended because of a specific position or area of expertise?
        - Yes: Consult with OLLS
        - No: Is the event related to public duties/legitimate functions and expertise?
          - Yes: Consult with OLLS
          - No: Is there an existing or potential conflict of interest or an appearance of a potential conflict of interest?
            - Yes: Consult with OLLS
            - No: Is the purpose of the trip educational or to conduct government business, not primarily a networking opportunity?
              - Yes: Consult with OLLS
              - No: You may not be able to accept it

- What is the monetary value of the gift?
  - Over $59: Is the gift...
    - A campaign contribution?
    - An unsolicited item of trivial value?
    - Unsolicited token/award of appreciation
    - Unsolicited informational material?
    - A meal for a speaking engagement for which you are on the program?
      - The costs of attending a meeting paid for by state/local government OR paid for by a nonprofit that receives less than 5% of its funding from for-profits, AND you are speaking or representing state/local govt
        - From a relative or personal friend on a special occasion?
          - Yes: Employment compensation/incentive?
          - No: You may accept it
Can I Accept This Gift?

Ask yourself these questions:

- Is it money (or loan forgiveness) in any amount?
- Is it a gift or thing of value >$59 (to benefit you, your spouse, or dependent child)?
- Have you accepted anything else from this same donor in the past year and the cumulative value with this gift would be >$59?
- Is it a gift from a lobbyist or a gift of money (in any amount) from a corporation or labor organization? If so, do NOT accept! No exceptions.

You may be able to accept if one of the following applies:

Have you provided lawful consideration of equal or greater value?

- Did you pay for it (the price the general public would have to pay)?
- Did you give the donor something else of greater or equal value?

Does one of the 8 exceptions listed in A-41 apply?

- Is it a campaign contribution?
- Is it an unsolicited item of trivial value?
- Is it an unsolicited token or award of appreciation?
- Is it unsolicited informational material?
- Is it admission to and/or the cost of food and beverages at a meal/meeting at which you are speaking as part of a scheduled program?
- Is it reasonable expenses paid by a state or local gov’t or by a nonprofit that receives <5% of its funding from for-profit entities and you are speaking or representing state or local gov’t at the event?
- Is it from a relative or personal friend on a special occasion?
- Is it your compensation/incentive in the normal course of employment?

Is it actually a benefit to the General Assembly (institution), not you?

- Is the offer to a designee, rather than specifically to you?
- Did you receive the offer because of your position or area of expertise?
- Is the event related to your public duties/legitimate functions and expertise?
- Is there an existing or potential conflict of interest (or appearance)?
- Is the purpose of the trip educational or to conduct gov’t business (not just networking)?

Still not sure?

Do I Need to Report This Gift to the SOS?

Every incumbent and candidate elected to the General Assembly who receives any of the following in connection with his/her public service must file a report with the SOS disclosing any:

- Payment for a speech, appearance, or publication (honoraria)
- Payment of expenses for travel/lodging to attend a convention, fact-finding mission or trip, or other meeting if permitted under A-41 (except don’t have to report expenses paid for by state or local gov’t or association of public officials or public entities) OR if paid for by a “joint governmental agency” to whom the state pays dues (NCSL, CSG, and the Energy Council; State does NOT pay dues to ALEC)
- Meal at a fundraising event of a political party

Only for elected candidates not yet sworn in:

- Money (including loan, pledge, advance, forgiveness of loan) >$59
- A gift of real or personal property with a value >$59
- A loan of any item of real or personal property with a value >$59
- Tickets to a sporting, recreational, educational, or cultural event with a value >$59

Do Not Have to Report (but may):

- Campaign contributions already disclosed under the Fair Campaign Practices Act
- Unsolicited items of trivial value
- Unsolicited tokens or awards of appreciation
- Expenses for travel/lodging to attend a convention, fact-finding mission or trip, or other meeting permissible under A-41 if paid for by state or local gov’t or association of public officials or public entities
- Salary from employment in addition to GA/public governmental salary
- Any other gift/thing of value permissible under A-41

Discuss it with your caucus leadership or senior caucus members
- Call the OLLS (303.866.2045) for advice
- Request an advisory opinion from the Board of Ethics for the General Assembly or the Independent Ethics Commission

Still not sure?