

**INFORMAL OPINION IO-1994-006
ISSUED AUGUST 31, 1994**

I received your request for an informal opinion on the following question:

May a legislator accept complimentary athletic tickets from the Athletic Department of an institution of higher education comprising the Oklahoma State System of Higher Education?

You have asked that the question be answered considering both situations where the Athletic Department is and is not supported by state appropriations.

As you know, gift reporting is a provision of the new Constitutional Ethics Rules [257:1-1-1 et seq.]. The applicable rule reads in pertinent part:

Restraints on solicitation or acceptance of anything of value--Disclosure

* * *

(b) No state officer, state employee, or an immediate family member of a state officer or state employee shall, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive things of value in a calendar year which, in the aggregate, are valued at more than three hundred dollars (\$300) from a person who the state officer or state employee knows or should know:

* * *

(3) has a substantial financial interest in actions or matters before or affecting the governmental entity of which the state officer's or state employee's office or employment is a part.

(c) State officers and state employees who determine state policy or who make final spending decisions for the state or any governmental entity shall report monthly the source, recipient, type, date, and exact amount or retail value of things of value received in a calendar year valued from \$50 to \$300 in the aggregate for the private benefit of the officer or employee or his or her immediate family or an organization with which the officer or employee is associated from a person who the state officer or state employee knows or should know:

* * *

(3) has a substantial financial interest in actions or matters before or affecting the governmental entity of which the state officer's or state employee's office or employment is a part.

When exact values are not known and not ascertainable, a good faith estimate of the fair market value shall be reported. Reports shall be due by the tenth day of each month for the period covered by the previous month. No report shall be due for periods during which things of value under this subsection were not received. The report shall be signed by the state officer or state employee who shall attest to the report's accuracy and veracity, and the signature shall be notarized.

257:20-1-9(b)(c)

A key definition to these provisions is as follows:

"Substantial financial interest" means an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining a substantial pecuniary loss as a result of ownership or interest in a business entity, or as a result of salary, gratuity or other compensation or remuneration from any person, partnership, organization or association. The term `substantial financial interest' includes, but is not limited to, an ownership interest of five percent (5%) or more in a business enterprise or an interest in an entity from which dividends of one thousand dollars (\$1,000.00) or more were derived during the preceding calendar year.

257:1-1-2

Apart from the issue of whether the Athletic Department is or is not funded with appropriated dollars, we know that the institution, which you tell me is part of the Oklahoma State System of Higher Education, is supported by appropriated dollars. Thus, both institutions have an interest in actions before the Legislature that could result in a substantial pecuniary gain or loss as a result of monies appropriated to the System of Higher Education.

It is therefore staff's opinion that pursuant to Title 257:20-1-9(b), complementary athletic tickets valued at less than \$300 may be given by institutions of higher education comprising the Oklahoma State System of Higher Education and received by state legislators; and, further, that such complementary athletic tickets valued at more than \$50 must be disclosed, per a Report Of Anything of Value Received ["Form G-1"] filed with this agency between the first and tenth day of the month following the month of receipt.

Please be aware that informal opinions are not official pronouncements of the Commission. Hence, this letter carries no greater weight than the views of any other citizen. The Commission is available to issue interpretations on matters arising from the Ethics Commission Act and the Constitutional Ethics Rules. These are known as Ethics Interpretations. They are official and bind the future action of the Commission.