

INFORMAL OPINION IO-1995-003
ISSUED MARCH 13, 1995

I will attempt to respond to your employees' concerns in the referenced memorandum to the extent of the Ethics Commission's jurisdiction.

- 1) The term "except as may be provided by law" has not been construed by the Ethics Commission. In order to do so, the Commission would require a specific question, i.e. "Would ... qualify as an exception under 74:4241(2)?"¹
- 2) The Commission's rule 257:20-1-9(b)&(c), unlike DHS rule OAC 340:2-2-29(p3)(e), is not limited to "clients". It prohibits receipt of things of value in the aggregate exceeding \$300 in a calendar year by each DHS employee and requires certain DHS employees to disclose things of value in the aggregate exceeding \$50 in a calendar year² from:
 - (a) a lobbyist or lobbyist principal, except for things received as a result of or arising out of employment or a personal or casual relationship with the recipient;
 - (b) someone seeking to do or doing business with DHS; or
 - (c) someone with a substantial financial interest in actions or matters before or affecting DHS.
- 3) In-service training by DHS is certainly advisable. The Ethics Commission staff is always available to participate in training seminars you may have and periodically conducts its own seminars which DHS employees are welcome to attend.
- 4) The Ethics Commission rules are available in a booklet printed by the Ethics Commission or may be found in Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 1994, Ch. 62, App. Letters to or contracts between vendors and DHS are not within the purview of this agency.

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.

¹ Repealed 1995. See 74:Ch.62:App:257:20-1-4(a)

² This portion of Section 257:20-1-9 has been modified; disclosure by recipients is no longer required.