

**INFORMAL OPINION IO-2000-007
ISSUED OCTOBER 4, 2000**

You have requested an informal staff opinion on the following:

Do the Constitutional Ethics Rules, Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 2000, Ch. 62, App. ["the Rules"] prohibit a state employee, who serves as the chairman of a professional association, from accepting a signed and framed print valued at approximately \$450.00 as a result of the employee's name being drawn from a group of attendees at the association's conference banquet?

FACTS

You have advised:

You work as the director of a division of a state agency.

- As an employee, part of your official duty is to attend a conference sponsored by a professional association in your field.
- You serve as the chairman of a committee of the association.
- At the start of each committee meeting, a name was drawn from the group of attendees for a gift.
- From these names, yours was drawn to receive a signed and framed print.
- The value of the print is approximately \$450.00.
- The association is not a lobbyist principal.
- The association neither is doing, nor seeks to do, business with the state agency you serve, but is a source of common information affecting all similar state agencies.
- The association does not have any interest in matters before or affecting the state agency which employs you.

ANALYSIS

The Rules prohibit state employees from receiving things of value which, in the aggregate, exceed \$300.00 in a calendar year. The provision, however, comes into play only when the gift originates from one of three classes of donors. These are: a lobbyist or lobbyist principal; a person or entity who is seeking to do business, or doing business with the governmental entity of which the state officer's or state employee's

office or employment is a part; and anyone who has a substantial financial interest in actions or matters before or affecting the officer's or employee's governmental entity.

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

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(b) **Calendar year limits on things of value.** 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:

(1) is a lobbyist or lobbyist principal, provided that the following shall not be subject to this subsection:

(A) things of value received as a result of or arising out of employment by, or doing business with, a lobbyist or lobbyist principal; and

(B) things of value received from any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal as a result of a personal or casual relationship with the recipient;

(2) is seeking to do business or doing business with the governmental entity of which the state officer's or state employee's office or employment is a part; or

(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.

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Section 257:20-1-9(b)

Here, the association is not a lobbyist, nor does it retain one. It is, therefore, not a lobbyist principal. It is neither doing nor seeking to do business with your employing agency, or any other. And, the association has no interest in matters before or affecting the state agency you serve. Hence, the calendar year limit on "things of value" which can be received does not apply to the pro-offered print. As such, nothing in the Rules prohibits you from accepting this drawing prize.

CONCLUSION

It is therefore the informal opinion of the Ethics Commission staff that nothing in the Rules prohibits you, as a state employee serving as the chairman of a committee of a professional association, from accepting a signed and framed print, valued at approximately \$450.00, as a result of your name being drawn from a group of attendees at the association's conference banquet where, as here, the association is not a lobbyist or lobbyist principal, is neither doing nor seeking to do business with the

state agency you serve, nor does it have any interest – substantial or otherwise – in matters pending before the agency which employs you.

Like ethics interpretations, informal staff opinions are fact specific. They answer only the question or questions put forth in the request according to information described in the “Facts” section [supra]. While they may shed light on other situations, this opinion does not necessarily control them.

The Rules permit the Commission staff to issue informal opinions, upon the approval of the Chair or Vice Chair, provided the matter is reasonably susceptible to a single analysis and is not the subject of litigation, investigation or legislation. We hope these informal letters shed light on the issues and provide guidance. They are not, however, official pronouncements.

This opinion letter has been approved by the Commission Chairman. According to policy, this opinion will be submitted to the members, any of whom can request that the matter be converted to an ethics interpretation and considered by the full Commission.

Informal opinions are published with sufficient deletions to prevent identification of the persons or entities involved. The name of the requestor is considered confidential. This letter has been labeled accordingly.