

# **New Castle County Ethics Commission**



## **SUMMARY OF NEW CASTLE COUNTY GIFT LAW**

(Code Sec. 2.03.104(H) and (I))

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**NEW CASTLE COUNTY DISCOURAGES THE ACCEPTANCE OF GIFTS FROM MEMBERS OF THE PUBLIC.**

**A GIFT IS ANYTHING RECEIVED WITHOUT PROVIDING EQUAL OR GREATER VALUE IN RETURN, WITH THE EXCEPTION OF POLITICAL CONTRIBUTIONS REPORTED ACCORDING TO STATE LAW.** A gift which is provided to a member of the recipient's immediate family because of the recipient's public status, or a gift which is not personally accepted by the recipient but which is controlled by or directed by that person, is considered a gift to the recipient. A gift can be compensation, payment of expenses, promise of future financial benefit, or any other thing of monetary value.

**NO GIFT, NO MATTER HOW SMALL, WHICH IS INTENDED TO INFLUENCE OR IMPAIR THE VOTE, OFFICIAL ACTION OR JUDGMENT OF THE RECIPIENT, OR WHICH CREATES THAT REASONABLE PERCEPTION IN THE PUBLIC, SHALL BE ACCEPTED.** A gift is considered accepted upon receipt or control or direction unless it is returned to the donor in its entirety within 30 days.

*A public gift log* is a document required by law to be maintained by County Council, a County department, or a County agency for the purpose of recording the acceptance of certain gifts by County officials or employees. The log is available to the public.

*Reasonably foreseeable* means an event which should be expected or anticipated based upon credible past and present facts known to a reasonable observer or participant at the time a decision is made or an action taken.

## CERTAIN GIFTS MAY NOT BE ACCEPTED UNDER ANY CIRCUMSTANCES:

Gifts of cash;



**\$\$** Gifts for performing official duty, *unless* 1) the gift is given by a government or association of governmental sources and recorded in a public gift log, or 2) given publicly in honor of performance of public service and valued at under \$50.00, and recorded in a public gift log;

**\$\$** Gifts valued at greater than \$25.00 from businesses or persons doing business with or regulated by the County and/or such persons or businesses reasonably foreseen to do business with or be regulated by the County within the next 3 years *unless* 1) it is a ticket of attendance or invitation to a publicly advertised or regularly scheduled function of a non-profit organization, civic or government group, or association of businesses or trade groups, which is open to the public, or 2) it is specifically approved in an Advisory Opinion issued by the Ethics Commission.

**\$\$** Any gift of greater than \$50.00 in value which is not recorded in a public gift log unless it is a ticket or invitation to a publicly advertised or regularly scheduled function of a non-profit organization, civic or government group, or association of businesses or trade groups, which is open to the public and valued at under \$101.00.

**\$\$** Gifts from individual persons supervised or in a lower pay scale *unless* 1) presented on an infrequently occurring milestone occasion such as birth, death in family, marriage, divorce, retirement or casualty, or 2) a group gift in which the contribution is both voluntary and under \$25.00 per donor and the names of the individual donors are not disclosed to the recipient.

**GIFTS WHICH MAY BE ACCEPTED AS LONG AS THEY ARE NOT INTENDED TO INFLUENCE OR IMPAIR THE VOTE, OFFICIAL ACTION OR JUDGMENT OF THE RECIPIENT, AND/OR DO NOT CREATE A REASONABLE PERCEPTION IN THE PUBLIC OF SUCH IMPROPER PURPOSE OR EFFECT:**

Gifts without any current or reasonably foreseeable future monetary value as presented;

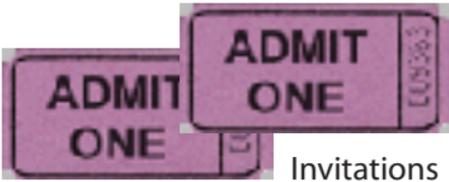
Gifts made to the people of New Castle County, recorded in a public gift log, and which remain in locations controlled by New Castle County;



Refreshment valued at under \$25.00 volunteered by a recipient of County service if provided at a time or location where such refreshment is not reasonably available for purchase by the employee or official;



Drinks or snacks valued at under \$25.00 offered during the conduct of an official business meeting, served to all individuals present and consumed on the premises;



Invitations or tickets of attendance to a publicly advertised or regularly scheduled function of a non-profit organization, civic or government group, or association of businesses or trade groups, which is open to the public, and recorded in a public gift log if valued in excess of \$101.00;



Training expenses from a governmental body or association of governmental bodies if approved by a department manager, agency head or elected office holder;

Gifts given to an official or employee by a government or association of governmental sources and recorded in a public gift log;



Gifts given publicly in honor of performance of public service and valued at under \$50.00, and recorded in a public gift log;



A gift tendered to a supervisor from an individual supervised or from a person in a lower pay scale if presented on an infrequently occurring milestone occasion such as birth, death in family, marriage, divorce, retirement or casualty;



A group gift to a supervisor or person in a higher pay scale in which the contribution is both voluntary and under \$25.00 per donor and the names of the individual donors are not disclosed to the recipient;



Gifts tendered and accepted under clear circumstances demonstrating relationships that exist apart from the employment relationship which do not create an appearance of impropriety. Such gifts do not have to be recorded;

Gifts approved in a specific Advisory Opinion requested by the recipient or other qualifying person and subsequently recorded.

**SOLICITATION RULES** (Code Sec. 2.03.104(J)):

Solicitation from entities which do business with or are regulated by New Castle County is prohibited **unless** the solicitation is pursuant to New Castle County written policy decision and for the benefit of the public.

Elected officials may set office-wide, non-coercive solicitation policies intended to benefit charitable entities or events if the policy does not create a conflict of interest or appearance of impropriety.

County officials, County employees or their agents, spouses or minor children may not personally solicit donations from subordinates.



## **New Castle County Ethics Commission**

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