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FALL 2017 NEWSLETTER

Gifts Unwrapped

'Tis the season for gifts!

We have the answers to some of the most common questions COE staff receives about accepting a gift or an invitation to an event during the holidays or anytime throughout the year.

May I accept an unsolicited holiday gift that was sent to me at my office?

Maybe. Before accepting, you must identify the *source* of the gift, determine the *value* of it, and the *motivation* for giving it.

SOURCE: Is the gift from a vendor, lobbyist, or principal or employer of a lobbyist who lobbies, sells, or leases to your employer? **If yes, then there is a \$100 gift limit.**

VALUE: You are **prohibited** from accepting any gifts with a **value over \$100** in the *aggregate for the calendar year* from any person or entity that is a **vendor**, a **lobbyist**, or a **principal** or **employer** of a lobbyist who lobbies or who sells or leases to your employer.

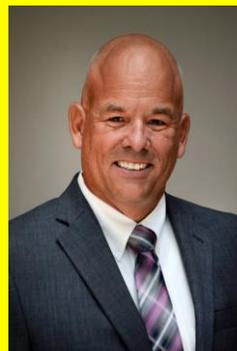
- If the gift is not from a vendor, lobbyist, or principal or employer of a lobby, then you must report the gift if its value is over \$100.

MOTIVATION: You are **always prohibited** from accepting a gift from any person where the gift is in exchange for the past, present, or future performance of an official act or legal duty or otherwise constitutes a quid pro quo for an official action.

**** It is always prohibited to solicit a gift of any value from a vendor, lobbyist, or principal or employer of a lobbyist where the gift is for the personal benefit of you, your family, or another official or employee. ****

I have been offered a ticket to an event. May I accept the ticket?

Use the same analysis as above by identifying the **source** of the ticket, determining the **value** of the ticket, and the **motivation** for



Recent Updates

Bryan Kummerlan was sworn in as a COE Commissioner on August 3, 2017. Mr. Kummerlan is the former Chief of Police for the City of West Palm Beach.

The truth of the matter is that you always know the right thing to do. The hard part is doing it.

-Gen. H. Norman Schwarzkopf

The gift I received is value at over \$100. What does the Code require me to do?

Gifts valued at over \$100 must be reported according to Code Sec. 2-444(f).

Non-state reporting

individuals (which includes most employees) will report gifts over \$100 on a PBC Gift Form.

State reporting individuals (officials and certain department heads) must comply with Florida Statutes, §112.3148.

I was sent a gift card by a resident thanking me for the help I gave her to complete her paperwork. I do that every day in my official capacity as a public employee. May I accept the gift card?

The Code specifically prohibits an employee from accepting a gift because of "an official act taken" or "duty performed." Regardless of whether or not the gesture of thanks from the resident was given with ulterior motive or intent, it is still a gratuity tied to your official act in completing the work for her.

Someone sent flowers to my office thanking me for all that I do. The card did not identify the gift giver, and the florist won't release the name of the sender. Can I accept the flowers?

Before accepting any gift, you must identify the source and the value of the gift.

SOURCE: Here, you cannot identify the person making the gift (after making a reasonable effort). Therefore, it cannot be assumed the gift was from a prohibited source, so you may accept the gift.

VALUE: You need to determine if the value of the gift exceeds \$100. If the value is over \$100, the gift must be reported on a gift form, where you should include a short statement as to why you do not know the name of the person making the gift and what steps you took to try and identify the person.

Ask First, Act Later

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