

PART IV. GIFTS**§ 6-26. Solicitation prohibited.***(a) In general.*

Except as permitted under subsection (b) of this section, a public servant may not solicit or facilitate the solicitation of a gift, whether on the public servant's own behalf or on behalf of another person, from any person that the public servant knows or has reason to know:

- (1) does or seeks to do business of any kind, regardless of amount:
 - (i) with the public servant's agency; or
 - (ii) with another person in connection with or in furtherance of a contract that is being negotiated or has been entered into by the other person with the public servant's agency;
- (2) engages or seeks to engage in an activity that is regulated or controlled by the public servant's agency;
- (3) is or, within the preceding 12 months, has been a lobbyist with respect to matters within the jurisdiction of the public servant;
- (4) has a financial interest that might be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the public servant's official duties; or
- (5) is an owner, partner, officer, director, trustee, employee, or agent of any person described in items (1) through (4) of this subsection.

(b) Exception.

The prohibition in subsection (a) of this section does not apply to a solicitation if:

- (1) it is for the benefit of an official governmental program or activity or a City-endorsed charitable function or activity; and
- (2) it either:
 - (i) is expressly allowed by a rule or regulation of the Ethics Board; or
 - (ii) otherwise has been approved in advance by the Ethics Board, on the written request of the public servant and his or her agency.

(Ord. 04-795; Ord. 10-267; Ord. 15-373.)

EDITOR'S NOTE

Board Regulations R 06.26.1 and R 06.26.2 sets out criteria for obtaining approval under § 6-26(b) for "official governmental" or "City-endorsed charitable" solicitations.

Defined terms:

<i>Agency</i>	§2-2	<i>Lobbyist</i>	§2-20
<i>Ethics Board</i>	§2-10	<i>May not</i>	cf. §2-36
<i>Financial interest</i>	§2-16	<i>Person</i>	§2-22
<i>Gift</i>	§2-17	<i>Public servant</i>	§2-23

§ 6-27. Acceptance prohibited.

Except as otherwise provided in this Part IV, a public servant may not knowingly accept any gift, directly or indirectly, from any person that the public servant knows or has reason to know:

- (1) does or seeks to do business of any kind, regardless of amount:
 - (i) with the public servant’s agency; or
 - (ii) with another person in connection with or in furtherance of a contract that is being negotiated or has been entered into by the other person with the public servant’s agency;
- (2) engages or seeks to engage in an activity that is regulated or controlled by the public servant’s agency;
- (3) is or, within the preceding 12 months, has been a lobbyist with respect to matters within the jurisdiction of the public servant;
- (4) has a financial interest that might be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the public servant’s official duties; or
- (5) is an owner, partner, officer, director, trustee, employee, or agent of any person described in items (1) through (4) of this section.

(Ord. 04-795; Ord. 10-267; Ord. 15-373; Ord. 16-503.)

Defined terms:

<i>Agency</i>	§2-2	<i>Lobbyist</i>	§2-20
<i>Employee</i>	§2-9	<i>May not</i>	cf. §2-36
<i>Financial interest</i>	§2-16	<i>Person</i>	§2-22
<i>Gift</i>	§2-17	<i>Public servant</i>	§2-23

§ 6-28. Qualified exemptions.

Subject to § 6-29 {“Exemption limitations”} of this subtitle, the prohibitions in § 6-27 {“Acceptance prohibited”} of this subtitle do not apply to the unsolicited receipt of:

- (1) food or beverages received and consumed by the recipient in the presence of the donor or sponsoring entity;
- (2) gifts or awards that have insignificant monetary value, as defined by rule or regulation of the Board;

EDITOR’S NOTE

Board Regulation R 06.28A defines “insignificant value”, for purposes of this section, as: “(1) a gift or award with a value of not more than \$20; or (2) a gift or award in a series of gifts and awards with a cumulative value of not more than \$60, if given by or on behalf of the same person during the reporting period.”

- (3) in return for a speaking engagement or participation on a panel at a meeting, reasonable expenses, actually incurred and verifiable, for food, travel, lodging, child or dependant care, and scheduled entertainment of the public servant, but only if:
 - (i) the expenses are associated with the meeting; and
 - (ii) to the extent the expenses are anticipated to exceed \$500, the public servant has notified the Ethics Board before attending the meeting;
- (4) tickets or free admission given to an elected official to attend a specific charitable, cultural, or political event, if given by the person sponsoring or conducting the event as a courtesy or ceremony to the office;
- (5) a specific gift or class of gifts that the Ethics Board exempts on a written finding that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of City business; or

EDITOR’S NOTE

Board Regulation R 06.28.5 establishes exemptions under this § 6-28(5) for certain pharmaceutical samples given to City health-care facilities, for certain free admissions to events sponsored or conducted by educational institutions, and for certain free admissions offered by or on behalf of an instrumentality or unit of State government.

- (6) gifts from a spouse, parent, child, or sibling.
(*Ord. 04-795; Ord. 11-484; Ord. 15-372.*)

Defined terms:

<i>Child</i>	§2-6	<i>Gift</i>	§2-17
<i>Elected official</i>	§2-8	<i>Person</i>	§2-22
<i>Ethics Board</i>	§2-10	<i>Public servant</i>	§2-23

§ 6-29. Exemption limitations.

The exemptions specified in § 6-28 {“Qualified exemptions”} of this subtitle do not apply to any gift if:

- (1) the gift would tend to impair the recipient’s impartiality and independent judgment; or
- (2) for a gift of significant value, as defined by rule or regulation of the Board:
 - (i) the gift would give the appearance of impairing the recipient’s impartiality and independent judgment; or

- (ii) the recipient believes or has reason to believe that the gift is designed to impair his or her impartiality and independent judgment.

EDITOR’S NOTE

Board Regulation R 06.28B defines “significant value”, for purposes of § 6-29(2), as: “(1) any gift with a value of more than \$20; or (2) a gift in a series of gifts with a cumulative value of more than \$60, if given by or on behalf of the same person during the reporting period.”

(Ord. 04-795; Ord. 11-484.)

Defined terms:

Gift §2-17

§ 6-30. {Repealed by Ord. 15-372}

§ 6-31. Additional exemptions by Board.

By rule or regulation, the Ethics Board may establish further exemptions from or modifications of this Part IV, as the Board considers necessary.

(Ord. 04-795.)

Defined terms:

Ethics Board §2-10 *May* *cf.* §2-36

§§ 6-32 to 6-35. {Reserved}