

June 15, 1999
Re: IO-99-103

You inquired whether you could accept 30 minutes free calling cards from a vendor with whom the police department does business. You indicated that the vendor sent you several cards and that if they would be acceptable, they would be used only for police business, such as long distance calls to the Police Academy.

The vendor's catalogue indicates that it always provides one free calling card with every order of at least \$109.00. This card would not be a gift, but is an advertised part of the order. The police department can accept this card as a customer ordering products in the normal course of business. However, the department cannot accept any more cards than would be made available through the normal ordering procedures.

The Public Ethics Law, §3-106, prohibits an employee from accepting a gift from a vendor unless the gift is of nominal value. A free calling card is worth more than a "nominal" amount. Several of these cards would certainly be worth more than a nominal amount. Therefore, the department may accept only the number of cards that would be normally considered part of the order. This rule is intended to relieve pressure on vendors and potential vendors to provide gifts to potential consumers in order to obtain an order, and it also helps maintain an arms-length relationship between the vendor and the purchaser.

Thank you for your inquiry. If you have any other questions, call any time.

Sincerely,

Betsy K. Dawson
Executive Director

Enclosures