

August 13, 2002
Re: IO-02-105

You inquired whether discounted and free circus tickets may be accepted by your employees, where the approximate value of the tickets does not exceed \$20.00. If the donor is the entity conducting the circus, and if it is subject to the authority of your department, the restrictions of 3-106 (b) would be relevant to your inquiry. If for example, your department issues a permit to the circus, or conducts inspections of the circus facilities, the circus would be a controlled donor as to your department. Gifts from controlled donors may only be accepted if they fall within one of the specifically permitted gift categories of §3-106(c).

Generally, gifts of nominal value (under \$25) may be accepted by an employee. §3-106(c)(2). Free tickets to sporting, charitable, cultural, or political events, are treated separately from other gifts under §3-106(c)(5), and are generally available only to elected officials or their representatives, and only when the tickets are given to the officials in order to take part in a ceremony involving the office. A circus is a cultural event, so the restriction on free tickets would apply to prohibit the acceptance of this gift.

If the circus is not a controlled donor, the gift provision does not apply. Instead, 3-104(a) would be applicable. This provision prohibits the use of the office or position for personal gain. While free tickets would constitute a personal gain, a ticket or tickets valued at under \$25 would not be a significant gain, or would therefore be acceptable.

You should therefore determine whether the donor of the gift is a controlled donor, subject to the authority of your department. If the donor is a controlled donor, your employees may not accept the free tickets. If the donor is not a controlled donor, the tickets may be accepted, provided that their value to an individual employee and the employee's family does not exceed about \$25.

Sincerely,

Betsy K. Dawson
Executive Director