

May 11, 2006

By Electronic and Interoffice Mail

Re: IO-06-31

You inquired whether the administrative staff of your agency- approximately 25 people- may accept a free sandwich and beverage to be delivered to your office by a local fast-food retailer. The ethics commission advises that while you are not prohibited from accepting such a gift, doing so would violate the *spirit* of the ethics law.

The ethics law is designed to assure the public that the impartiality and independent judgment of county employees will be maintained. Confidence in government employees is eroded when the conduct of the county's business is subject to improper influence or *even the appearance* of improper influence. §7-1-102.

It is true that the gift's value to each employee is under \$25, and therefore of "nominal" value. You also said that the donor is not to your knowledge, a "controlled donor" with respect to your agency. The acceptance of this gift would therefore, not be prohibited under the gifts provision of the ethics law, §7-5-106.

Because the gift is of "nominal value" to each employee, the "private gain" to the individual would also be of nominal value and therefore, acceptance would not be strictly prohibited under § 7-5-107, as an abuse of the prestige of position for private gain. However, despite its apparently nominal value, it is a gift that is being offered to your staff because of their positions as county employees. And although the value of the gift to each employee is well under \$25, the overall value of the gift undoubtedly exceeds \$75. For these reasons, the ethics commission believes that accepting the gift would create an appearance of a conflict of interest.

Sincerely,

Betsy K. Dawson
Executive Director