



HAWAII STATE ETHICS COMMISSION

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THE STATE ETHICS CODE – A QUICK GUIDE ON GIFTS

Whether you can accept a gift, an invitation to an event, or a trip, and what (and when) you need to report

This guide provides general guidelines on whether state officials can accept gifts. However, every situation is different, so please call us if you have questions!

Any time you are offered a gift, there are three ethics laws to consider:

1. The **gifts law** prohibits you from accepting any gift where there is a reasonable inference that the gift is intended to influence you in the performance of your job.
2. The **gifts reporting law** requires that you file an annual report (in June) if you have received, from one source, any gift(s) that, singly or together, are valued at more than \$200.
3. The **fair treatment law** prohibits you from getting extra perks (or “unwarranted” benefits) for yourself or someone else.

The first question is whether you can accept a gift. The State Ethics Commission looks at three factors:

1. **Donor.** Who is offering the gift to you? What is that person's relationship to you? If you are directly regulating someone – that is, if you decide whether someone gets a permit, or funding, or a citation – then you generally should not accept anything from that person, regardless of its value. If the person giving the gift is a long-time personal friend who never does business with your state agency, that's probably okay. This is usually the first question we ask – if the donor relationship creates a problem, we usually don't even look at the second two factors.
2. **Value.** How much is the gift worth? Is someone giving you a pencil worth a few cents or a round of golf worth \$100? The public should trust you to do your job with integrity; this trust may be lost if people see you taking lavish trips, eating fancy meals, or otherwise enjoying expensive things that are paid for by someone else.
3. **State purpose.** How will the State benefit if you accept the gift?

Here are some things to consider when deciding whether to accept a gift:

Educational value. Will the gift (for example, a gift that involves travel to attend a conference) help you better perform your state job? Usually, we look at whether there is real educational value in attending an event or going on a trip (either for you to gain knowledge or for you to impart your expertise, if that's within your agency's mission). On the other hand, is the event really just entertainment, like a sports event or a concert? Keep in mind that “networking” alone probably isn't enough to show that a gift will benefit the State.

Protocol. Some government officials have some discretion to go to events for protocol purposes. Legislators and others may be allowed to accept free admission to nonprofit organizations' events.

The Commission may allow individuals to accept certain gifts when refusing such a gift would be culturally inappropriate. The Commission looks at what your job is with the state and how your acceptance of this gift may – or may not – fit within the State's mission and your job duties.

No State Purpose. Certain gifts are almost always prohibited:

- Travel upgrades (for example, an upgrade to first-class plane travel or to a nicer hotel room offered to you because of your position with the state);
- Golf;
- Tickets to concerts, sporting events, theatrical performances, movies, and other entertainment events;
- Cash or gift cards.

Some things are okay to accept, like a lei (in connection with an event) or things like branded pens with no market value.

Keep in mind: you're generally prohibited from accepting **any** gift where you're in a position to take official action specifically affecting the donor. This means no gifts from parties to a contested case hearing before your agency, individuals/organizations regulated by or involved in procurement with your agency, or lobbyists (or their clients) seeking action from your agency.

The following charts may help, but please remember, the State Ethics Commission is here to help you! Any time you have a question about the Ethics Code – for example, if you're wondering whether you can (or should) do something – please contact us. We have an attorney of the day ready to take your (confidential) call or e-mail. You can reach us at ethics@hawaiiethics.org or (808) 587-0460. Also, the Ethics Commission offers trainings at least once a month. Check <http://ethics.hawaii.gov> for the latest schedule. We look forward to working with you – and more than 50,000 other state employees, board members, and commission members – to maintain the highest ethical standards in government!

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Events / Conferences / Other Gifts

Question #1: Who's offering the gift to you?

Usually prohibited regardless of the value of the gift	May be allowed depending on the circumstances	Usually allowed
<p>A person or business that is:</p> <ul style="list-style-type: none"> regulated by my agency; applying for a permit with my agency; or involved in a contested case with my agency. <p><i>These "gifts" are more like bribes – they are prohibited.</i></p>	<p>A non-profit organization or trade association.</p> <p><i>These kinds of gifts are allowable in some circumstances and prohibited in others. Call us for advice.</i></p>	<p>A foundation or government agency that wants to support government employees working in my field</p> <p><i>These kinds of gifts may be allowable depending upon the value of the gift and the state purpose. Move on to Question #2</i></p>
<p>A contractor, consultant, or vendor of my agency, or a lobbyist seeking action from my agency.</p> <p><i>These kinds of gifts are generally prohibited, though there are times when you can accept. Call for advice.</i></p>		<p>A family member or long-time friend who doesn't do any business with my agency.</p> <p><i>These kinds of gifts are usually okay to accept unless you think you were given the gift because of your state position.</i></p>

Question #2: Consider the kind of gift that's being offered and whether there is a benefit to the State. Let's assume we're talking about an invitation to an event: is there any benefit to the State or is it just for your personal entertainment?

