



JCOPE'S GUIDE TO THE GIFT REGULATIONS

Lobbyists and Clients of Lobbyists

WHEN DO THESE GIFT REGULATIONS APPLY TO ME?

The regulations apply whenever you offer or give a **Gift** to a "Public Official."

WHAT IS A GIFT?

An item or service that is **more** than Nominal Value.

"Nominal Value" is not specifically defined. The Commission ordinarily considers "Nominal Value" to be \$15 or less.

WHAT ARE THE PENALTIES FOR VIOLATING THE GIFT REGULATIONS?

- Violation of the Gift Regulations is a Class A misdemeanor. Multiple violations may result in a Class E Felony.
- You could be fined up to \$25,000 or three times the value of the Gift, whichever is greater.
- Your actions could also jeopardize the Public Official and subject him or her to fines and/or censure.

WHAT ARE THE RESTRICTIONS ON GIFTS?

In general, you **cannot** offer or give a Gift to a Public Official. It is only permissible to offer or give the Gift if, under the circumstances, **all** of the following criteria are met:

- (1) it is not reasonable to infer that the Gift was intended to influence the Public Official; and
- (2) the Gift could not reasonably be expected to influence the Public Official, in the performance of his or her official duties; and
- (3) it is not reasonable to infer that the Gift was intended as a reward for any official action on the Public Official's part.

ANY ONE OF THE FOLLOWING IS A PUBLIC OFFICIAL:

- The Governor, Lieutenant Governor, Comptroller, Attorney General, and their respective officers and employees;
- Members, officers, and employees of the New York State Legislature;
- All individuals working for any New York State agency, department, board, bureau, division, commission, or council;
- All individuals working for any public authority (other than a multi-state authority), public benefit corporation, and commission at least one of whose members is appointed by the Governor;
- Municipal officers and employees, whether paid or unpaid, including members of any administrative board, commission, or agency. In the case of a county, this includes an individual paid from county funds.

ITEMS OR SERVICES EXCLUDED AS GIFTS.

The following are not subject to restrictions in the Gift Regulations:

- Food or beverage valued at \$15 or less per occasion
- Gifts from family members or friends
- Promotional items with no substantial resale value
- Awards, plaques or other ceremonial items
- Meals for participants at a professional or educational program
- Complimentary attendance, including food and beverage, at a bona fide charitable event or a bona fide political event
- Complimentary attendance, including food and beverage, offered by the sponsor of a Widely Attended Event

For a list of all the exclusions, see the Gift Regulations (19 NYCRR Part 934.4) on the Commission's website (www.jcope.ny.gov)

WHO WE ARE



The New York State Joint Commission on Public Ethics (“JCOPE”) was established as part of the Public Integrity Reform Act of 2011 (“PIRA”), which comprehensively reformed the oversight and regulation of ethics and lobbying in New York State.

JCOPE was created to restore public trust in government by ensuring compliance with the State's ethics and lobbying laws, regulations, and guidance. The Commission has jurisdiction over the following persons: officers and employees at State agencies and departments including commissions, boards, State public benefit corporations, public authorities, SUNY, CUNY, and the statutory closely-affiliated corporations; the four statewide elected officials and members of the Legislature (and candidates for those offices); employees of the Legislature; certain political party chairpersons; and registered lobbyists and their clients.

JCOPE provides information, education and advice regarding current ethics and lobbying laws and promotes compliance through audits, investigations and enforcement proceedings. It also issues advisory opinions and promulgates regulations on the applicable laws and how they affect the persons and entities subject to its jurisdiction.

Finally, JCOPE promotes transparency by making publicly available required disclosures filed by those persons and entities subject to its jurisdiction. These disclosures include, but are not limited to, the annual financial disclosure statements filed by thousands of individuals subject to JCOPE’s jurisdiction and the activity and expense reports filed by thousands of lobbyists and their clients.

CONTACT US

If you have any questions regarding State ethics and lobbying rules or regulations, please do not hesitate to call or email the Commission at **(518) 408-3976** or jcope@jcope.ny.gov