



# A PLAIN LANGUAGE GUIDE TO THE GIFT REGULATIONS

## *For Lobbyists and Clients*

### 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, the Public Official’s spouse, or unemancipated child. 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.

JCOPE regulations also prohibit a Lobbyist or Client from offering or giving a gift to a third party, including a Charitable Organization, on behalf of, or, at the designation or recommendation of a Public Official (or their spouse or unemancipated child), when such Gift cannot be offered or given to such Public Official (or the spouse or unemancipated child).

Further, the Public Officers Law and JCOPE regulations prohibit a State Officer or Employee from accepting multiple permissible gifts from the same source. Depending on the

circumstances, the State employee’s acceptance of the gifts may violate Public Officers Law § 74 by creating an actual or an apparent conflict of interest or an appearance of improper influence.

### 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.