

Holiday Gift Guidance (Table #1)

	Allowed	Caution	Prohibited
Staff accepting holiday gifts from legislators	✓ *		
Staff accepting <u>cash</u> gifts from legislators			✓
Legislators giving merchant specific gift cards to staff (e.g. Starbucks, Panera, etc)	✓		
Legislators giving Visa, MasterCard, or other general purpose gift cards to staff		✓ **	
Legislators/Supervisors accepting gifts from staff		✓ ***	

* Under Ohio Elections Advisory Opinion 87ELC-13, campaign funds can be used to purchase gifts for staff members.

** As the characteristics of such cards are similar to cash, legislators are strongly discouraged from giving VISA, MasterCard, or other general purpose gift cards to staff; however, there is nothing in the Joint Legislative Code of Ethics that specifically prohibits this activity.

*** In order to avoid the appearance of impropriety, staff are discouraged from giving substantial gifts to those in a position of authority. Where the value of a gift is \$25.00 or less per individual source, the gift is considered *de minimis* for purposes of the Ethics Law. A person in a position of authority should not solicit or encourage gifts from subordinates.

Reminder: Staff are not prohibited from accepting promotional trinkets or other *de minimis* things of value from vendors, so long as such items are given to other similarly situated customers (e.g. ornaments, coffee cups, etc.). Staff are prohibited from accepting cash, cash equivalent, meals/beverages, or other substantial things of value from vendors.

Holiday Gift Guidance (Table #2)

	Reportable	Not Reportable
Lobbyist/Employer of a lobbyist drops off cookie tray, popcorn tin, fruit basket for the office, caucus, or agency (<u>not an individual</u>) to enjoy.		If placed in a public area for all visitors, staff and legislators to enjoy. REMEMBER: Cannot convert to personal use (e.g. take home to Grandma Betty – may be reportable or may put you over the \$75 limit if from a lobbyist.)
Lobbyist/Employer of a lobbyist drops off cookie tray, popcorn tin, fruit basket for an <u>individual</u> (not office, caucus, or agency).	Merely placing item given to an individual in public place does not eliminate potential reporting.	
Entity or Organization (not a lobbyist or employer of a lobbyist) drops off gift or fruit basket, popcorn tin, etc.		Not reportable unless given to an FDS filer or converted to personal use by FDS filer and FDS filer has accepted \$75 or more aggregated over the year from that org./entity.*
Holiday gifts of \$25 or more provided to legislators or staff by lobbyists or employers.	Will be reported on Lobbyist or Lobbyist Employer's Activity & Expenditure Report for September – December. Reported by an FDS filer on the 2016 FDS.	

* **Remember** – No Member or employee shall accept anything of value that is of such character as to manifest a substantial and improper influence upon the Member or employee.

* **Remember** – Legislators and staff members are prohibited from accepting more than \$75.00, aggregated per calendar year, in gifts from a lobbyist.

* **Remember** – If a lobbyist or their client is unable to determine the actual value of the gift, comparative fair market value, or another reasonable accounting method, is appropriate to determine the value of the gift for disclosure purposes.

* **Remember** – Receptions or holiday parties where all legislators, or all legislators of a particular Chamber, are invited are reported as any other all-invited event. There are no "staff all-invited" events; legislators must be invited for the exception to apply. Holiday parties strictly for staff accrue towards the \$75.00 aggregated yearly limit. Expenditures made on behalf of, or for the benefit of, FDS filers are reportable according to standard reporting and disclosure guidelines.