## N.C. BOARD



## OF ETHICS

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PERRY Y. NEWSON EXECUTIVE DIRECTOR

Volume 8, Issue 6

Annual Gifts & "Freebies" Edition

October 2005

"WHEREAS, THE PEOPLE OF NORTH CAROLINA ENTRUST PUBLIC POWER TO ELECTED AND APPOINTED OFFICIALS FOR THE PURPOSE OF FURTHERING THE PUBLIC, NOT PRIVATE OR PERSONAL, INTEREST..."
EXECUTIVE ORDER NO. ONE

#### Letter from the Director

Questions to the Board of Ethics regarding the legality and appropriateness of the acceptance of gifts by covered Public Officials are common throughout the year, but are more frequent during the traditional "gift-giving season." While this subject has been addressed before, it bears reexamination on an annual basis, not only because of its timely nature but also because of the large number of new Public Officials joining the ranks of those covered by Executive Order Number One each year.

Accordingly, we once again devote this entire newsletter to the subject of gifts to Public Officials covered under Executive Order One. While we hope this will answer some of your basic gift questions, it is by no means intended to cover each and every situation. As each situation is different, I urge you to contact your Agency head, legal counsel, or the Board of Ethics with any specific questions you have concerning gifts. Together we can find the right answer.

Perry Y. Newson

"Always do the right thing. It will gratify some and astonish the rest."

Mark Twain

#### Gifts, "Freebies," & Related Questions

Many people, both in and out of State government, are surprised to learn that there is no comprehensive statewide law or policy on gifts — only a hit-or-miss collection of laws, rales, or policies applicable to specific situations or select agencies, departments, or boards. For example,

- It is unlawful for anyone to "corruptly give, offer, or promise anything of value" to any Department of Transportation employee or Board member with the intent to influence any official act, and it is unlawful for such employee or board member to solicit or accept the same (\$136-13);
- The Secretary of the Department of Administration, any of the Secretary's "assistants," and Advisory Budget Commission members may not accept or receive gifts, money, or anything of value from any person, firm, or corporation to whom a contract may be awarded (§143-63);
- No public officer or employee may solicit or receive any gift, reward, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency be or she serves (§14-234);
- It is unlawful for any public utility to give Utilities Commission members or staff any gift of money, property, or anything of value, and it is unlawful for such Commissioners or staff to accept the same (§62-327);
- It is unlawful for "any person holding office under the laws of this State" to receive or consent to receive anything of value or personal advantage for performing or omitting to perform any official act within the scope of his or her official authority (§14-217); and
- The State Chief Information Officer, the Chief Deputy State Information Officer, and "any other Office employee" cannot accept or receive "any money or anything of value whatsoever" from any person or company to whom any contract may be awarded (§147-33.99). (Commod on next page.)

# **N C Board Of Ethics**

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