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<https://ethics.nc.gov>



November 2023

We are thankful for our network of Ethics Liaisons at each agency and board, and look forward each day to assisting liaisons and public officials with ethics compliance questions. The State Ethics Commission and staff wish you Happy Holidays!



Kathleen Edwards, Executive Director

Ethics Act Gift Ban

The holidays are almost here, and you all know what that means...hot cocoa, holiday lights, fireside family gatherings, and gift ban questions! At the risk of casting Scrooge's shadow over the festivities, remember that holiday celebrations and gift-giving this year are still subject to the gift ban of the Ethics Act and Lobbying Law. This newsletter summarizes the gift ban and provides information to help you navigate gift-giving this holiday season. As always, if you have any questions or doubts about what may or may not be allowed, please contact our office and we will be happy to assist you.

What is the Gift Ban?

The Ethics Act prohibits public servants, legislators, and legislative employees from accepting gifts from lobbyist and lobbyist principals, and public servants from accepting gifts from those doing or seeking to do business with the State, unless a gift ban exception applies. (See G.S. 138A-32). Likewise, the Lobbying Law prohibits lobbyists, lobbyist principals, and liaison personnel from giving gifts to those individuals. (See G.S. 120C-303 and -501).

What is a Gift?

A gift is *anything* of monetary value given or received without valuable consideration. In North Carolina, there is *no allowance* for *de minimis* or small gifts, so all gifts from givers listed above (even candy canes!) are prohibited unless an exception applies.

Who is Covered?

Not sure if the gift ban applies to you? Names of covered persons and boards can be found at:

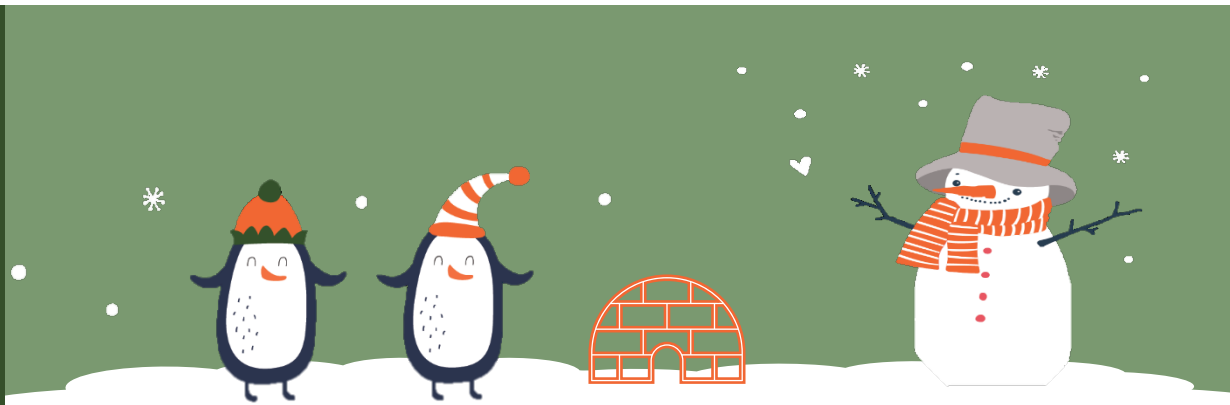
<https://ethics.nc.gov/coverage>

Who are Lobbyists & Principals?

Search for registered lobbyists and lobbyist principals at:

<https://sosnc.gov/divisions/lobbying>





Holiday Gift Ban Q & A

Q: *May I give/receive a holiday greeting card?*

A: Yes, holiday greeting cards are not considered gifts and may therefore be exchanged without violating the gift ban.

Q: *What about gifts from family members?*

A: Gifts to or from extended family members or members of the same household are allowed but may need to be reported if a registered lobbyist is doing the giving.

Q: *I'm a Public Servant/Legislator/Legislative Employee. Can I ask my employees to contribute to a local charity instead of giving me a holiday gift?*

A: No, covered persons are generally prohibited from soliciting charitable donations from subordinate State employees, although generic written solicitations sent to all employees are allowed.

Q: *What should I do if I receive a prohibited gift?*

A: Promptly decline or return it, pay fair market value for it, or donate it to a charity or the State. And make sure you get a receipt if you decide to pay for it or donate it to charity.

Q: *What should I do if I'm uncertain about whether I can give or receive a gift?*

A: If you have any questions or doubts, please contact the State Ethics Commission staff and we will be happy to assist you.

Q: *May I attend a holiday party hosted by my neighbor, a lobbyist?*

A: Since the food and beverages are being given by a lobbyist, a gift ban exception must apply before you join in the merriment. One exception allows gifts given as part of a business, civic, religious, fraternal, personal, or commercial relationship if: (1) that relationship is not tied to your public position; and (2) the gift is not given to lobby you. Here, since you were invited to the party because you are a neighbor, and not because you are a public servant, and you are being given the same food and beverages as all attendees, you may accept the food and beverages.





Candidate SEI Filing Changes!

Guess what?...

...Candidate Statement of Economic Interest (SEI) filing for covered public offices now begins in January!

As we usher in the new year, the SEI filing season for covered public offices will begin. If you are a candidate who ran for a covered public office in the past, you may recall having filed an SEI during the month of December. Due to legislative changes, candidates must now file their SEI with the Ethics Commission between January 1 - January 22, 2024. If you are a candidate, please make a New Year's resolution to file your SEI on time!



How Do Board Members Get Appointed?

Did you know that all members of the 250+ State boards subject to the Ethics Act must file SEIs, most prior to being appointed? Those board members are appointed by some 60 different organizations and agencies. Navigating a constantly shifting group of board members from all those appointing authorities would make even Rudolph get lost, red nose or not!

Thankfully, a little-known North Carolina law comes to the rescue! G.S. 143-47.7 requires that all those appointing authorities follow a specific format for notices of all appointments to State boards before those appointments are official. Appointing authorities are also required to send a copy of those appointments to the State Ethics Commission.

So, next time you learn of a new appointment to a State board, please let us know as soon as possible and remind the appointing authority that it must send an official notice of that appointment to the Ethics Commission. Your friends at the Ethics Commission will rejoice!



Kathleen Edwards Jameson Marks Tracey Powell Angela Pryor
Mary Roerden Susy Sing David Smyth Katie Stephan

Remember: you can track your agency's or board members' SEI and education compliance at <https://ethicssei.nc.gov/Tools/Report>



Electronic Filing

Covered Person

Lobbying Law

Conflicts of Interest

Compliance Report

Ethics Liaison

Ethics Education

Complaints

Gift Restrictions

Financial Interests

Candidate SEI Filing

Advisory Opinions

Ethics Act

Bipartisan

Covered Boards

Hero Corner

Because Ethics Liaisons are our Heroes!

Help! Did you know that our database system is not automated? We rely on Ethics Liaisons to inform us when an agency has changes to covered persons or a member joins or leaves a board or commission. Updates can be submitted directly to our webform at: [New Covered Person or Ethics Liaison Form | Ethics Commission \(nc.gov\)](#)

Or you may email updates to SEI@ethics.nc.gov

Please include:

- The date the change is effective, or start/end dates for board members,
- The appointing authority and board position,
- Who the new member or employee replaces, and
- The new member's contact information.
- Extra kudos for including the appointment letter!

Ethics Word Search

G	Q	G	N	I	L	I	F	I	E	S	E	T	A	D	I	D	N	A	C
I	S	Y	K	N	E	Z	H	I	C	T	W	L	U	O	R	K	J	T	T
F	X	L	U	M	L	Z	R	M	O	B	V	S	K	J	L	T	E	R	Z
T	T	S	E	R	E	T	N	I	F	O	S	T	C	I	L	F	N	O	C
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E	O	T	Q	D	T	E	I	W	L	L	O	E	T	G	E	Y	Y	E	D
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R	R	C	Q	H	N	Y	R	G	S	M	E	T	C	W	G	J	U	C	S
I	E	S	V	X	I	B	T	N	A	N	P	N	V	E	Y	Y	O	N	O
C	D	L	B	D	C	E	I	I	H	Y	D	I	Y	T	E	S	S	A	R
T	B	I	E	F	F	Q	S	Y	U	M	E	L	U	H	C	T	P	I	Y
I	O	A	T	S	I	L	A	B	L	M	R	A	M	I	F	N	D	L	O
O	A	I	F	Y	L	M	N	B	V	F	E	I	P	C	E	I	S	P	P
N	R	S	V	D	I	B	F	O	O	J	V	C	U	S	B	A	B	M	I
S	D	O	B	G	N	K	U	L	H	H	O	N	I	A	J	L	U	O	N
K	S	N	H	K	G	K	Y	V	H	K	C	A	E	C	B	P	W	C	I
R	A	F	S	L	H	F	N	E	C	R	A	N	M	T	A	M	B	I	O
M	N	O	I	T	A	C	U	D	E	S	C	I	H	T	E	O	V	K	N
R	S	P	S	U	K	X	J	O	P	C	V	F	C	P	T	C	D	N	S