



GUIDELINES

The Newsletter of the New Jersey Executive Commission on Ethical Standards

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EXECUTIVE COMMISSION ON ETHICAL STANDARDS

Chair Ida Castro, Commissioner Timothy J. Dacey,
Commissioner Lizette Delgado, Commissioner Alisha
Griffin, Commissioner Paul Josephson, Commissioner
Susan Bass Levin, Commissioner Kevin McCabe;
Executive Director Rita L. Strmensky.

HOLIDAY PARTIES

The staff receives numerous inquiries during the holiday season about the appropriateness of State employees attending parties hosted by individuals or entities that their agencies deal with in an official capacity. The Commission's Attendance Rules, N.J.A.C. 19:61-6 et seq., are applicable to the majority of these invitations because most are extended to the State official because of his/her official position. In considering whether approval to attend an event should be granted, the Department head or designee, usually the Ethics Liaison Officer, must determine whether the party's host is an "interested party" and whether a legitimate State purpose will be served by attending. An interested party is defined in N.J.A.C. 19:61-6.2 as:

1. Any person, or employee, representative or agent thereof, who is or may reasonably be anticipated to be subject to the regulatory, licensing or supervisory authority of the State official's agency;

2. Any supplier, or employee, representative or agency thereof;

3. Any organization that advocates or represents the positions of its members to the State official's agency; or

4. Any organization a majority of whose members are as described in paragraphs 1 through 3 above.

A "person," as used in the definition, is a natural person, association, organization, firm, partnership or corporation. A "supplier" is a private sector person that is providing or seeking to provide or may reasonably be expected to supply goods and/or services to the State official's agency, including but not limited to, consultants, vendors and lessors.

In the case of purely social events sponsored by an interested party, the rule indicates that State officials cannot attend as guests of the sponsor.

GUIDELINES GOVERNING RECEIPT OF GIFTS AND FAVORS BY STATE OFFICERS AND EMPLOYEES

1. Each department shall require full disclosure by employees to the office of the department head through the Ethics Liaison Officer upon receipt of a gift or any other thing of value, from a person, corporation, or association with whom they have had contact in their official capacity.

2. Each department should designate an Ethics Liaison Officer to monitor compliance with specific procedures under which officers and employees shall proceed upon receipt of a gift or any other thing of value, from a person, corporation, or association with whom they have had contact in their official capacity.

The cases presented in "Guidelines" are designed to provide State employees with examples of conflicts issues that have been addressed by the Executive Commission. Specific questions regarding a particular situation should be addressed directly to the Commission.

3. All officers and employees should be instructed that any gift or other thing of value received from a person or corporation with whom they have had contact in their official capacity must be reported and remitted immediately to the Ethics Liaison Officer. Similarly, any favor, service, employment or offer of employment from such person or corporation must be reported immediately.

4. Unsolicited gifts or benefits of trivial or nominal value, such as complimentary articles offered to the public in general, and gifts received as a result of mass advertising mailings to the general business public may be retained by the recipient or the recipient's department for general use if such use does not create an impression of a conflict of interest or a violation of the public trust. An impression of a conflict may be created, for example, if an employee of a regulatory agency uses a pocket calendar conspicuously marked with the name of a company that it regulates or if an office in a State agency displays a wall calendar from a vendor, creating the impression of an endorsement. If circumstances exist which create a reasonable doubt as to the intention with which the gift or benefit was offered, the other paragraphs of these Guidelines govern.

5. The Ethics Liaison Officer shall determine whether the gift, favor, employment, offer of employment, or anything of value was given or offered with the intent to influence or reward the performance of the recipient's public duties and responsibilities, or whether it may be reasonably inferred to have been given or offered with the intent to influence the performance of his or her public duties and responsibilities, or whether the use of the item will create an impression of a conflict of interest or a violation of the public trust.

6. Upon a determination that there was an intent or it could be reasonably inferred that there was an intent to influence the performance of the recipient's public duties and responsibilities, or that the use of the item will create the impression of a conflict or a violation of the public trust, the Ethics Liaison Officer shall return the gift or thing of value to the donor.

7. The Ethics Liaison Officer will have the responsibility of keeping the records of all such occurrences; names of the employees, individuals, and companies involved, and the final disposition of the gift or thing of value.

8. The Commission's rule at *N.J.A.C. 19:61-6.1* et seq. governs acceptance of benefits in connection with attendance at events.

9. The assistance of the Director of the Executive Commission will be available to all Ethics Liaison Officers to aid them in the evaluation of individual cases.

Return of Gifts

If the Ethics Liaison Officer determines that a gift cannot be accepted, the Commission staff recommends that, in the

case of non-perishable items, the gift be returned to the donor along with a brief note thanking the individual and advising that State ethics rules prohibit the acceptance of gifts.

Items of a perishable nature should be donated to a charitable organization in the name of the donor, not the State employee. Listed below are the names of organizations that have been provided to the staff by various Ethics Liaison Officers.

If you have an organization that you would like to place on this list, please contact Donna Schmitz at (609) 292-1892 or FAX at (609) 633-9252.

Anchor House
482 Center Street
Trenton, NJ 08611
Contact: David Brown
(609) 396-8329

Lift Inc.
225 North Warren Street
Trenton, NJ 08618
Contact: Alma Hill
(609) 695-5456

Martin House
802 East State Street
Trenton, NJ 08606
Contact: Father McCormick
(609) 989-1040

Triad House
2205 Pennsylvania Road
Ewing, NJ 08638
(609) 771-1600

Good Samaritan Center
523 Stevens Street
Camden, NJ 08103

Neighborhood Center
278 Kaighn Avenue
Camden, NJ 08103

Millhouse Convalescent Center
325 Jersey Street
Trenton, NJ 08611
Contact: Kelly Steele
(609) 396-5378

Trenton Soup Kitchen
72 1/2 Escher Street
Trenton, NJ 08605
Contact: Pierine Phayer
(609) 695-5456

Lighthouse Community Ser.
487 Washington Avenue
Newark, NJ
(973) 802-1802

Trenton Rescue Mission
P.O. Box 617
Trenton, NJ 08604
Contact: Executive Director
Leavenhouse
644 State Street
Camden, NJ 08102

Your Food Shelf
1500 Federal Street
Camden, NJ 08105

Cathedral Kitchen
15 N. 7th Street
Camden, NJ 08102

Make a Wish Foundation of NJ
P.O. Box 40281034
Salem Road
Union, NJ 07083
Contact: Norma Godwin
Executive Director
(908) 964-5055
1(800) 252-9474
FAX (908) 964-0082

Tandem Healthcare
Princeton Pike and Franklin Corner Road
Lawrenceville, New Jersey 08648
(609)896-1494

El Centro
1035 Mechanic Street
Camden, NJ 08103

TEST YOUR KNOWLEDGE

Now that you are familiar with the Commission's Gift Guidelines, here are some scenarios for you to evaluate. You are the Ethics Liaison Officer and an employee has come to you requesting advice about accepting gifts from an outside source.

Scenario 1

Margaret, a DOT employee, settles the claims of private landowners. After months of working on a single claim, the case is resolved in favor of the private owner. Margaret receives a thank you note from the owner and a \$100 gift certificate to a local department store.

You would advise Margaret that:

- A. Since she often stayed late to work on this claim, on her own time, she may accept the gift.
- B. She may donate it to the local shelter for the homeless.
- C. She must return the gift certificate with a note

explaining that State ethics rules prohibit her from accepting the gift certificate.

Answers:

A is incorrect. Margaret is prohibited, under section 24 of the Conflicts Law, from accepting anything of value from a source other than the State for any matter related to her official duties.

B is incorrect. The only time that it is appropriate to donate an item to a local shelter or other non-profit entity is in the case of perishable items.

C is the correct answer.

Scenario 2

Janet works in the Permit Section at DEP. She spent an entire day in meetings with potential applicants explaining new regulations and answering questions. At 5:00 p.m., the entire group decided to have dinner at a local restaurant. After dinner, the potential applicants insisted on paying for Janet's meal. You advise Janet that:

- A. She should pay for her own meal.
- B. She may accept the dinner.
- C. She should not have dined with them at all.

Answers:

A is the correct answer. If she did not do so at the time, she should send a check the next day with a note explaining that it is against ethics rules to accept the meal.

B is incorrect. Janet may not accept the dinner because the potential applicants are "interested parties" with respect to her agency.

C is incorrect. Janet may dine with the group as long as she pays for her own meal.

Scenario 3

Raymond is a contract supervisor at the Division of Purchase and Property. He is the guest speaker at the National Purchasing Association's ("NPA") Annual Conference. The NPA offers to pay for Ray's hotel, transportation and meals. In addition, as a token of their appreciation, they present Ray with a pen, a plaque and two tickets for the Lion King.

You would advise that :

- A. Ray may accept all of the above.
- B. Ray may not accept the hotel, transportation, and meals.

- C. Ray may not accept the Lion King tickets.
- D. Ray may not accept the pen and plaque.

Answers:

A is incorrect. Ray may accept the hotel, transportation and meals because he is a speaker at the event. (See Commission's Attendance Rules at N.J.A.C. 19:61-6.1 et seq.) He may also accept the pen and plaque because they are of nominal value. However, he may not accept the Lion King tickets.

B is incorrect. Under the speaker exception (see Commission's Attendance Rules at N.J.A.C. 19:61-6.1 et seq.), Ray may accept the hotel, transportation and meals.

C is correct. Ray may accept the hotel, transportation and meals because he is a speaker at the event. (See Commission's Attendance Rules at N.J.A.C. 19:61-6.1 et seq.) He may also accept the pen and plaque because they are of nominal value. However, he may not accept the Lion King tickets.

D is incorrect. Ray may accept the pen and plaque because they are of nominal value.

Scenario 4

The XYZ law firm frequently represents clients before your agency. You are the Ethics Liaison Officer. Two weeks before Christmas, a large fruit basket and a 10-pound box of chocolates are delivered to you. What is the appropriate course of action?

- A. Put the fruit and chocolate in an area where all agency employees can share in it.
- B. Take the fruit and chocolate home.
- C. Return the fruit and chocolate to the law firm with a note advising that State ethics rules prohibit acceptance of such items.
- D. Donate the fruit and chocolate to a hospital, nursing home, etc. in the name of XYZ and write XYZ a note explaining that State ethics laws prohibit the acceptance of such items.

Answers:

A is incorrect. Because XYZ is an "interested party" with respect to the agency, the gift cannot be accepted.

B is incorrect. Because XYZ is an "interested party" with respect to the agency, the gift cannot be accepted.

C is technically correct; however, because the items, particularly the fruit basket, are perishable, D is the better course of action.

D is correct.



Regarding "Guidelines"

Please direct any comments or questions about "Guidelines" to

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