

# GUIDELINES

1

The Newsletter of the New Jersey Executive Commission on Ethical Standards

28 W. State Street  
Room 1407

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P.O. Box 082  
Trenton, New Jersey 08625

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## **THE EXECUTIVE COMMISSION ON ETHICAL STANDARDS**

Chairwoman Linda Anselmini, Vice Chair Elizabeth Randall, Commissioner Arthur Eisdorfer, Commissioner Alisha Griffin, Commissioner Lonna Hooks, Commissioner Fred Lopez, and Commissioner Alan Steinberg; Executive Director Rita L. Strmensky.

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.

Because the holidays will soon be upon us, this issue of the newsletter includes the Commission's Guidelines Governing Receipt of Gifts and Favors and the Commission's position on attendance at holiday parties. Also included is a discussion of the prohibition on the acceptance of hotel, car rental and frequent flyer points awarded to individual State employees in connection with official State business.

## **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.

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 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.

Receipt of items of a perishable nature should be donated to a charitable organization. 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 Suzanne Fox 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 ½ 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. 7<sup>th</sup> Street  
Camden, NJ 08102

**Make a Wish Foundation of NJ**

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

**El Centro**

1035 Mechanic Street  
Camden, NJ 08103

**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.

## **HOTEL, CAR RENTAL OR FREQUENT FLYER AWARDS**

The acceptance of hotel, car rental or frequent flyer awards in connection with State business is prohibited under Department of the Treasury circular letter 89-14 and under Commission precedent.

The Commission has reviewed such situations under section 23(e)(6), which prohibits the acceptance of any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value is offered for the purpose of influencing the State employee in the discharge of his/her official duties; section 23(e)(7), the appearance section; and section 24, which prohibits State employees from receiving, directly or indirectly, any compensation, reward, employment, gift or other thing of value from any source other than the State for any service, advice, assistance or other matter related to his/her official duties.

The Commission has taken the position that State officials cannot accept awards or points from hotels, car rental companies or airlines in connection with State business.

### **Regarding "Guidelines"**

Please direct any comments or questions about "Guidelines" to Jeanne A. Mayer, Esq., Deputy Director, Executive Commission on Ethical Standards, P.O. Box 082, Trenton, NJ 08625, (609)292-1892.

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