

## GIFT QUIZ

How well do you know the gift restrictions? Take this six question quiz to find out more!

1. Harriet is a State Representative. Her husband, George, works for a company that employs an in-house lobbyist, Tom. At Christmas, the company customarily distributes fruitcakes to all employees with Tom handing out each one. May George accept the fruitcake?

- (a) No, because the company is the employer of a lobbyist.
- (b) No, because the fruitcake was delivered by a lobbyist.
- (c) Yes, because the fruitcake has a value under \$63.
- (d) Yes, because it is a customary gift from the company to its employees.
- (e) Yes, because the fruitcake is a gift to George not Harriet.

2. Luke is the managing partner at a downtown law firm. Emily is a partner at the firm and is a registered lobbyist. Emily suggests that Luke invite two State Representatives to attend a hockey game in the firm's suite as guests of the firm. Emily will not attend the game. Luke invites the State Representatives to the next home game. May they accept?

- (a) Yes.
- (b) No, because the firm is an employer of a lobbyist.
- (c) Yes, because the lobbyist is not attending.
- (d) No, unless they pay for the tickets and any refreshments.

3. Louis is a policy analyst for a House member. Jamie is a legislative liaison for an executive agency. Jamie invites Louis to lunch to discuss pending legislation. Jamie offers to pay for the lunch. May Louis accept?

- (a) Yes.
- (b) No.

4. Lisa is a recently hired House researcher. After ordering lunch at a downtown pizzeria, Lisa realizes she forgot her wallet at work. Amy, a lobbyist, is next in line. Lisa and Amy do not know each other but have seen each other in the Cordell Hull Building. Feeling bad for Lisa, Amy graciously pays for Lisa's \$8.58 lunch. After enjoying her pizza, Lisa tells a co-worker what had happened to her and how nice Amy was for paying for her lunch. The co-worker knows Amy and tells Lisa that Amy is a lobbyist. What should Lisa do?

- (a) Not tell anyone else.
- (b) Reimburse Amy \$8.58.
- (c) Clean out her desk.

5. Dianne marries Jack. Jack is an employee in the House Clerk's Office. Dianne's sister's husband, Ben, is a lobbyist. Ben personally has two club level season tickets to a professional football team and asks Jack to go with him to a game as his guest. May Jack accept?

(a) Yes.

(b) No.

6. David is a fan of the state amphibian, the Tennessee Cave Salamander (*Gyrinophilus palleucus*). Alan's family owns a cave which is open to the public on a paid ticketed basis. David is an official in the legislative branch; Alan is a lobbyist. Prior to Alan's registration as a lobbyist, David and Alan worked together at the legislature and have maintained a friendship over many years. Alan offers David free admission to the cave so David can look for salamanders. May David accept?

(a) No, because Alan is a lobbyist.

(b) Yes, because it is not a gift.

(c) Yes, if the gift is motivated by a close personal friendship and is given for a nonbusiness purpose.

Answers:

1. The correct answer is (d). As a general rule, an official in the legislative branch and their immediately family may not accept a gift from an employer of a lobbyist or lobbyist. An exception in the gift ban allows officials and their family to receive benefits resulting from employment which are customarily provided to others in similar circumstances and are not enhanced due to the status of the official. See, Tenn. Code Ann. § 3-6-305(b)(1).

2. The correct answer is (d). While the law firm is not an employer of a lobbyist for the purposes of the Comprehensive Governmental Ethics Reform Act of 2006, it does employ a registered lobbyist. A lobbyist cannot provide a gift "directly or indirectly" to an official in the legislative branch. By suggesting that the Representatives be invited to the game, an indirect gift is being made. See, Tenn. Code Ann. § 3-6-305(a)(1). However, the Representatives may accept the tickets and attend the game if fair market value is paid for the tickets and any refreshments consumed during the game.

3. The correct answer is (a). The Comprehensive Governmental Ethics Reform Act of 2006 places restrictions and limitations on conduct between (1) executive and legislative branch officials and (2) lobbyists and their employers. The Act does not regulate conduct between

the executive branch and the legislative branch officials. While technically permissible, sound judgment should always be exercised when accepting gifts.

4. The correct answer is (b). Mistakes can happen. The Comprehensive Ethics Reform Act of 2006 contains a safe-harbor provision for gifts made contrary to its provisions. Tenn. Code Ann. § 3-6-305(d) provides that an unallowable gift may be returned or paid for (consideration of equal or greater value) within the latter of ten (10) days of receipt or ten (10) days of having knowledge that the gift was a violation.

5. The correct answer is (a). For the purposes of the Governmental Ethics Reform Act of 2006, “gift” does not include a gift received from a member of the person’s immediate family or from a relative within the third degree of consanguinity of the person or the person’s spouse or from the spouse of any such relative. See, Tenn. Code. Ann. § 3-6-301(10). In this question the tickets are described as Ben’s “personally”, Ben may not act as a conduit for an employer of a lobbyist to provide otherwise prohibited gifts to Jack. See, Tenn. Code Ann. § 3-6-305(a)(1).

6. The correct answer is (c). As a general rule, an official in the legislative branch may not accept a gift from a lobbyist. An exception to the gift ban allows certain gifts, as authorized by the Tennessee Ethics Commission, given for a nonbusiness purpose and motivated by a close personal friendship. See, Tenn. Code Ann. § 3-6-305(b)(3) and Ethics Commission Rule 0508-01-05-.04. See also:

<https://www.tn.gov/content/dam/tn/ethicscommission/documents/officials/Close%20Personal%20Friendship.pdf>