

February 9, 1995

**Advisory Opinion 1995 - No. 3**

**QUESTIONS**

(1) Would it be ethical for a legislator or legislative employee to receive an item which is subject to the fifty dollar limit in RCW 42.52.150 if the cost of the item is shared by the donor and the legislator or legislative employee, and the amount paid by the donor is less than fifty dollars?

(2) Would such activity be reportable to the Public Disclosure Commission?

**OPINION**

The Board finds that it would be ethical to receive a gift under the circumstances stated in this question. The Board cannot determine the reporting issue.

**ANALYSIS**

**ETHICS ISSUE**

Gifts such as those described by this question are limited to fifty dollars in aggregate value from a single source in a calendar year and fifty dollars for single gifts from multiple sources (RCW 42.52.150(1)). The Board assumes for the purpose of this analysis that the gift would not be given under circumstances where "it could be reasonably expected that the gift, gratuity or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction." Such gifts are prohibited by RCW 42.52.140 regardless of value. The Board also assumes that the recipient is not one of those officers or employees described in RCW 42.52.150(4) who is seeking to acquire goods or services or negotiating a contract with the donor.

The statutory limitation on gift value, RCW 42.52.150(1), specifically refers to the value of a gift "*from a single source*" and "*from multiple sources*" (emphasis added). This language clearly states that the value for deciding whether the gift is appropriate is the value of the donor's contribution. If the total cost of an event, such as a sporting event, is in excess of fifty dollars, but the donated portion is fifty dollars or less, there is no ethics violation.

## REPORTING ISSUE

Public Disclosure Commission reporting is prescribed by RCW 42.17.240 through .2415. "Gifts," for reporting purposes, are defined by RCW 42.17.020(16) and .021(2). Further gift reporting for specified donors is required by the lobbyist reporting section, RCW 42.17.150 through .230.

The Board has no jurisdiction over the disclosure commission's interpretation of reporting requirements. The Board believes that it is desirable for Board and Commission interpretations to be consistent. However, the Board also has a duty to follow the plain meaning of the ethics law, even when a different conclusion may be reached for reporting purposes. Legislators and legislative employees are cautioned to heed the separate requirements of the disclosure and reporting laws and the commission's rules for guidance on reporting questions.

## CONCLUSION

It is not an ethics violation for legislators and legislative employees to receive gifts which are otherwise permissible if the portion of the gift attributed to sources(s) other than the legislator or legislative employee does not exceed fifty dollars from a single source in a calendar year or a single gift from multiple sources.

The public disclosure laws, which are outside the jurisdiction of the Board, determine whether gifts are reportable.