

Disposition and reporting of gifts

Occasionally an official receives a gift that the Ethics Code does not permit the official to retain. Appropriate disposition of an item depends on the circumstances.

The Government Accountability Board generally recommends that a state or local public official:

- Turn the item over to the official's agency, if the item is one the agency can use or sell (but the agency may not sell the item to a government employee¹).
- Turn the item over to another state agency or to a public institution, such as a local school, library, or museum, that can use the item.
- Donate the item to a charitable organization (other than one of which the official or a family member is an officer, director, or agent).²
- Return the item to the donor.
- If the donor is neither a lobbyist nor an organization that employs a lobbyist, purchase the item (by paying the donor the full retail value) and retain it.

Reporting receipt of a gift

An official, when filing a Statement of Economic Interests with the Government Accountability Board, must identify in the Statement each organization or individual (other than a family member) that gave the official a gift valued at more than \$50 during the prior year. Unless the official returned the gift to the donor, the official should identify the donor on the Statement even if the official has redirected the gift

¹ In an unpublished opinion dated November 16, 2004, Wisconsin's Attorney General stated:

The Legislature has unambiguously and comprehensively prohibited government agencies from selling to "any employees . . . any article, material, product or merchandise of whatsoever nature" with three specified exceptions not applicable here. Wis. Stat. §175.10 (1) (2001-02). This statute makes no exception for articles of limited usefulness to an agency.

The plain language of Wis. Stat. §175.10 (1) prohibits a governmental agency from selling to an employee an article that has been turned over to the agency by an employee who was not authorized to receive it under state law, but which the agency cannot use.

If an agency cannot use an article turned over by an employee, the agency, should either give it to the state or to a charitable organization which can put it to good use either for its own purposes or in a resale shop.

² Attached is a list of charitable organizations in the Madison area to which you might consider donating an item.

to another person, organization, or office or agency or has applied it to the benefit of the state or a local government.

This is a guide. For authoritative information consult Wisconsin Statutes.

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Website: <http://gab.wi.gov> Visit the Board's website to ensure you have the most current version of this Guideline.

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