
1997 Wis Eth Bd 15
LOCAL CODE — GIFTS

The Ethics Board advises:

An official of a school district who receives a gift from foreign dignitaries visiting the district should treat the gift as given to the school district. The school district may retain, sell or otherwise dispose of the item in accordance with the school district's policies and interests. This can include selling the item to an official of the district. (October 8, 1997)

Facts

- ¶ 1. This opinion is based upon these understandings:
- a. You write on behalf of a school district, to which you are legal counsel.
 - b. School board members and other school district officials attended an event involving representatives from a sister city in a foreign country.
 - c. The foreign visitors presented school board members and other school district officials with gifts, such as spoons and cups, as part of the visit.

Question

- ¶ 2. The Ethics Board understands your question to be:

Consistent with the code of ethics for local government officials, may a school district official retain the gifts and pay the full and fair value of the gifts to the school district?

Discussion

- ¶ 3. Section 19.59(1)(a), *Wisconsin Statutes*, reduced to its elements, provides:

No local public official
May use his or her public position or office
To obtain anything of substantial value
For private benefit.¹

¶ 4. Local public officials include elected members of a public school district board and appointed officials who serve for a specified term of office or at the pleasure of the school board.² It appears that the officials about whom you have asked were given the gifts because they hold public office. The gifts appear to be of substantial value – that is, of more than token or inconsequential value.³

¶ 5. Because §19.59(1)(a) restricts a school official from accepting the gifts for private benefit, it is appropriate to treat the gifts as having been accepted on behalf of the school district.⁴ Section 19.56(4), *Wisconsin Statutes*, although not applicable to your question, offers guidance in this regard. That statute provides that if a state official receives an unauthorized payment in connection with a talk or meeting the official should deposit it with the agency with which the official is associated. If that is not practicable, the official must return the payment or convey it to the state or a charitable organization with which the official is not associated.⁵

¹ Section 19.59(1)(a), *Wisconsin Statutes*, provides:

19.59 (1)(a) No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. A violation of this paragraph includes the acceptance of free or discounted admissions to a professional baseball game by a member of the district board of a local professional baseball park district created under subch. III of ch. 229. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by ch. 11.

² See §19.42(7u), (7w), (7x), *Wisconsin Statutes*; 1997 Wis Eth Bd 6, ¶6.

³ 1995 Wis Eth Bd 5, ¶6; 1993 Wis Eth Bd 8, ¶6; 1992 Wis Eth Bd 17, ¶5; 7 Op. Eth. Bd. 2 (1983); 5 Op. Eth. Bd. 99 (1982); 5 Op. Eth. Bd. 71 (1981).

⁴ 11 Op. Eth. Bd. 1 (1989); 2 Op. Eth. Bd. 92 (1979).

⁵ Section 19.56(4), *Wisconsin Statutes*, provides:

If a state public official receives a payment not authorized by this subchapter, in cash or otherwise, for a published work or a talk or meeting the official may not retain it. If practicable, the official shall deposit it with the department or municipality with which he or she is associated or, in the case of a justice or judge of a court of record,

¶ 6. In turn, the school district may determine that the gifts are of no practical benefit to the district. If that is the case, it is appropriate for the district to sell the gifts to the recipients at a price that reflects the price at which the recipients could purchase the items in the marketplace.

Advice

¶ 7. The Ethics Board advises:

The answer to your question is “yes”. An official of a school district who receives a gift from foreign dignitaries visiting the district should treat the gift as given to the school district. The school district may retain, sell or otherwise dispose of the item in accordance with the school district’s policies and interests. This can include selling the item to an official of the district.

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with the director of state courts. If that is not practicable, the official shall return it or its equivalent to the payor or convey it to the state or to a charitable organization other than one with which he or she is associated.