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State Ethics Commission

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SEC A092-232

October 21, 1992

SUBJECT: TEACHERS RECEIVING GIFTS FROM PTA

SUMMARY:

Gifts to school employees by the PTA are not prohibited since they are not given to influence an official action. Monetary gifts are prohibited.

QUESTION:

The Principal of Nursery Road Elementary School questions whether school teachers may receive gifts from the PTA. The school PTA gives gift certificates and other gifts (plants and flowers, Christmas ornaments, baskets, etc.) to a variety of employees as an expression of thanks. The gifts are usually given at designated times of the year such as holidays, Secretary's Week, and/or the end of the year. The gifts usually range from a few dollars to as much as fifty dollars.

DISCUSSION:

This opinion is rendered in response to a letter dated May 18, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

October 21, 1992

The State Ethics Commission calls attention to the provisions of Section 8-13-705 which provides:

(A) A person may not, directly or indirectly, give, offer, or promise anything of value to a public official, public member, or public employee with the intent to:

(1) influence the discharge of a public official's, public member's, or public employee's official responsibilities;

(2) influence a public official, public member, or public employee to commit, aid in committing, collude in, or allow fraud on a governmental entity; or

(3) induce a public official, public member, or public employee to perform or fail to perform an act in violation of the public official's, public member's, or public employee's official responsibilities.

(B) A public official, public member, or public employee may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for himself or for another person in return for being:

(1) influenced in the discharge of his official responsibilities;

(2) influenced to commit, aid in committing, collude in, allow fraud, or make an opportunity for the commission of fraud on a governmental entity; or

(3) induced to perform or fail to perform an act in violation of his official responsibilities.

A school employee would not be prohibited from accepting "thank you" gifts from the PTA since they are not intended to influence. Monetary gifts to a public employee are prohibited by Section 8-13-720 which provides:

No person may offer or pay to a public official, public member, or public employee and no public official, public member, or public employee may solicit or receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.

The State Ethics Commission further calls attention to Advisory Opinion SEC A092-236 which concerns an awards program for outstanding employees.