

CAUTION: The following advice may be based on a rule that has been revised since the opinion was first issued. Consequently, the analysis reflected in the opinion may be outdated.

Gifts

The DNR's Division of Reclamation questioned whether it was permissible for its employees to accept door prizes won at an industry show—for which the Division was paying the registration fee—since the industry was regulated by the Division. SEC found that any gifts received by the employees that exceeded nominal value needed to be remitted to the Treasurer of the State.

No. 10 Gifts

FACT SITUATION

Within the Department of Natural Resources is a Division of Reclamation. This division regulates surface coal mining for the State of Indiana. Coal operators must obtain a permit to mine coal from the division. The division also receives federal funds to reclaim abandoned coal mine lands. These lands are reclaimed through a contracted competitive bid process handled by the Division of Public Works.

Annually a coal mining institute is held for the Kentucky-Indiana-Illinois coal mine region. The institute will be held in Evansville this year. The staff is encouraged to attend as the meeting provides an excellent opportunity to see the latest coal mining technology on display. There is a \$15 registration fee. A technical program is held on the Saturday of the institute.

On Saturday, \$100 cash prizes are awarded after each speaker. At the Saturday luncheon, over one hundred door prizes are given away as well as three cash door prizes. The cash prizes are provided by the institute and the gifts are provided by the exhibitors. Only two vendors on the list of exhibitors have been involved directly with the Division of Reclamation. Gifts range from the nominal cost of a cap, to some rather expensive gifts such as a television set or even a trip. As many as twelve staff members may be attending the institute.

QUESTION

If a door prize is won by a state employee attending an industry show of the industry his agency regulates, is it permissible to accept the gift.

OPINION

The members of the State Ethics Commission agreed that if state employees attending the coal mining institute, with the institute fee being paid by the State of Indiana, receive gifts over a nominal value, the employee shall remit the gift to the Treasurer of the State. To elaborate further, nominal is a T-shirt, hat, key chain, pencil, or any memento of that caliber. A TV set is not nominal, nor is a trip to Hawaii.

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