

**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 Consequently, the analysis reflected in the opinion may be outdated.

**40 IAC 2-1-6(B)**

SEC granted a DOR employee a gifts waiver since her husband was a principal shareholder in two trucking companies that held certificates and permits with the State, provided the employee reported any gifts that were unusual in amount or frequency.

89-I-21 Gifts

FACT SITUATION

A state employee is the Supervisor of the Motor Carrier Authority Legal Section, Indiana Department of Revenue. The employee's husband is a principal shareholder in two trucking companies which own certificates or permits of intrastate authority. The employee does not sign any orders or vote on any matters. All orders are prepared for the signature and final approval of a three person committee within the Department. The employee is not on this committee. Her husband gives her gifts and there could possibly be a problem if the gifts exceed \$250 in value a year.

QUESTION

The employee would like a waiver pursuant to 40 IAC 2-1-6(B) "gifts . . . that exceed an aggregate value in excess of \$100 received by an employee in a calendar year from a person desiring to do business or who is doing business with the agency in which the employee holds an office or position shall be disclosed to the State Ethics Commission on February 1st of the following year."

"No employee shall receive gifts . . . that exceed an aggregate value of \$250 in any calendar year from a person desiring to do business or who is doing business with an agency in which the employee holds an office or a position. This limit can be waived by the Ethics Commission for a legitimate public purpose."

OPINION

The following opinion was rendered based on the information received: The Commission granted a waiver under 40 IAC 2-1-6(B) with the condition that any unusual gifts in either amount or frequency are to be reported to the State Ethics Commission. "Unusual gifts" are defined as gifts outside the pattern of usual gift giving of this family and would include gifts of stock in the trucking company or ownership of the trucking company.

10/26/89