

**Title: #VII-16A. West Virginia Ethics Commission Guidance Regarding Door Prizes, Gifts and Giveaways at Conferences**

**Date: December 6, 2012**

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Pursuant to W.Va. Code [6B-2-5\(c\)](#), [Title 158, Series 7](#), [Advisory Opinions](#) 90-172A, 95-20, 96-36, 2006-07, 2010-11 and 2012-20, the following guidance is provided by the West Virginia Ethics Commission regarding door prizes, gifts and giveaways at conferences.

**Overview:** From time-to-time public employees or officials may win a prize at a conference, or be asked to plan a conference for their agency or an association. This guideline is intended to give clear guidance on accepting, soliciting or giving door prizes, gifts or giveaways in these circumstances.

**Q. If my agency has sent me to a conference and I put my name in a drawing at a vendor's booth, if I win a prize, may I keep it?**

**A.** You may only keep the prize if the fair market value is less than \$25.00. Even if the vendor who donated the prize has no relationship with your agency, i.e. is not a vendor or a regulated party, you may not keep a prize with a fair market value in excess of \$25.00, since you are attending the conference in your official capacity as a public employee or official.

**Q. If I am at a work-related conference and I win a prize with a fair market value in excess of \$25.00, what should I do?**

**A.** You may give the prize back or donate it to your agency or a non-profit entity. If you donate the prize to your agency or a non-profit, you may not take a charitable tax deduction. Moreover, you must write a letter to your supervisor documenting the fact that you donated the prize. You may only donate the prize to the agency if the prize is something which may be used by the agency, e.g. a microwave oven. On the other hand, if you win a trip to Myrtle Beach, you must give the gift back or donate it to a charity.

**Q. I am helping to plan a conference which is being hosted, in whole or part, by my agency or an association comprised of public officials. What limitations apply? May we ask the conference attendees to bring door prizes or gifts for exchange? May we ask vendors for gifts?**

**A.** You may afford conference attendees the opportunity to bring a gift for a gift exchange or social event. The rules which apply are: (1) you must make it clear that participation is voluntary; (2) you must inform the attendees that they must use **personal**, not **public**, funds; (3) you and/or the conference participants/public servants may **not** solicit anyone, including local businesses or persons for any gifts. For example, you may not go to a local golf course and ask them to donate a gift certificate for a round of golf; and, (4) the fair market value of any gift may

not exceed \$25.00. This last limitation recognizes that some conference participants may be interested parties from the private sector.

**Q. My agency is helping to plan a conference. May we use public funds to purchase door prizes, gifts or giveaways? May we use public funds to purchase items for welcome bags for attendees?**

**A.** A public agency may **not** use public funds to purchase door prizes, gifts or giveaways. A public agency **may** use a reasonable amount of public funds to purchase items such as tote bags, pens, pencils or sticky notes to provide to conference attendees, but the fair market value of all such items provided to each participant may not exceed \$25.00.

**Q. My agency is hosting a conference. May we ask vendors to contribute items for welcome bags for attendees?**

**A.** You may ask vendors or conference sponsors to donate items of nominal value so long as they derive some commercial value from it. For example, a vendor may give a notepad with the company's logo. No one vendor may contribute an item which has a fair market value in excess of \$25.00.

**Q. My agency is hosting a conference. May we solicit vendors for door prizes or giveaways?**

**A. No.** A public agency may not solicit private entities for door prizes, gifts or giveaways. It may solicit nominal items with commercial logos in accordance with the guidance rendered in the preceding paragraph governing welcome bags.

**Q. We want to use public funds to purchase incentives to encourage audience participation. May we do that?**

**A.** For some conference sessions, the presenter may want to encourage audience participation by giving participants candy or other small tokens for participating or answering questions correctly. In these situations, a reasonable amount of public funds may be used to purchase incentives of a nominal value, i.e. a fair market value of \$25.00 or less.

**Q. What if I belong to an association? Do these same rules apply?**

**A.** Public servants may belong to associations comprised of public servants and persons from the private sector. Examples include the Troopers Association, Association of Counties, County Commissioners Association, or Municipal League. The same rules/limitations apply to door prizes, gifts or giveaways at any such association event.

**Q. What about wellness programs or events promoting wellness. May public funds be used to purchase incentives for these events?**

**A.** Yes. Public funds may be used for this purpose in accordance with [A.O. 2012-20](#). Any agency seeking to use funds for this purpose should first review this opinion, and contact the Ethics Commission with any questions.

**Q. What other advice do you have for me?**

**A.** The \$25.00 gift limit applies to all gifts from a single source in a calendar year. For example, if at a conference you receive an item with a fair market value of \$15.00, you may not accept another gift with a fair market value of \$15.00 from that same vendor in the same calendar year since the total fair market would exceed the \$25.00 limit. See also Ethics Commission [Gift Guidelines](#).

If your agency is hosting a conference, either by itself or in conjunction with an association comprised of public servants, you may have conference sponsors. In your materials, you should inform sponsors that they may not give items with a fair market value that exceeds \$25. If you have participants at the conference who are public employees or officials from other States, in your conference material you may want to remind them that they should check with their Ethics Commission(s) regarding any limitations on them accepting door prizes, gifts or giveaways at conferences.

**Responsible Administrator: President, 304-424-8200**