

West Virginia Ethics Commission



Guideline

Door Prizes, Gifts and Giveaways at Conferences

This Guideline is intended to give guidance on accepting, soliciting or giving door prizes, gifts or giveaways at conferences attended by public officials and employees as part of their official duties.

If a public official or employee attends a conference as part of his/her employment or official duties, may he/she keep a prize won through entering his/her name in a drawing at a vendor's booth?

A public official or employee may only keep the prize if the fair market value of the prize is \$25 or less.

What should be done with prizes that have a fair market value of more than \$25?

If a public official or employee wins a prize at a conference which has a fair market value greater than \$25, he/she may return the prize or donate it to a non-profit entity or to his/her agency if the prize is something which may be used by the agency, e.g., a microwave oven. He/she may not take a charitable tax deduction for such a donation and must write a letter to his/her supervisor documenting the fact that the prize was donated. Gifts which may not be used by an agency, such as a vacation trip, must be returned or donated to charity.

If an agency or public entity is planning a conference, may it ask conference attendees to bring door prizes or gifts for exchange?

Public official or employees may ask conference attendees to bring a gift for a gift exchange or social event with these limitations: (1) it must be made clear that participation is voluntary; (2) attendees must be informed that they must use **personal**, not **public**, funds; (3) public officials and employees may **not** solicit anyone, including local businesses or non-public officials or employees, for gifts. For example, one may not ask a local golf course to donate a gift certificate for a round of golf, and (4) the fair market value of any gift must be less than \$25.

May a public agency use public funds to purchase door prizes, gifts, giveaways or items for welcome bags for attendees?

A public agency may **not** use public funds to purchase door prizes, gifts or giveaways. However, 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 combined fair market value of all such items provided to each participant may not exceed \$25.

May an agency hosting a conference ask vendors to contribute items for welcome bags for attendees?

Vendors or conference sponsors may be asked to donate items of nominal value for conference welcome bags for attendees if they derive commercial value from the item. For example, a vendor may donate notepads with its company's logo. No one vendor may contribute an item which has a fair market value greater than \$25.

May a public agency solicit vendors for door prizes or giveaways?

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

May an agency use public funds to purchase incentives to encourage audience participation?

A reasonable amount of public funds may be used to purchase incentives of a nominal value, i.e., a fair market value of less than \$25. For example, conference participants may be given candy or other small tokens for participating or answering questions correctly.

Do the same rules apply to associations?

Public servants may belong to associations comprised of both public servants and persons from the private sector. Examples include the West Virginia Troopers Association, the West Virginia Association of Counties, County Commissioners' Association of West Virginia and the West Virginia Municipal League. The same rules/limitations apply to door prizes, gifts or giveaways at association events.

May public funds be used to purchase incentives for wellness programs or events promoting wellness?

Yes. Public funds may be used for this purpose in accordance with Advisory Opinion 2017-08. An agency seeking to use funds for this purpose should review this Opinion and contact the Ethics Commission with any questions.

Other considerations

The \$25 gift limit applies to all gifts from a single source in a calendar year.

If an agency is hosting a conference, either by itself or in conjunction with an association comprised of public servants, it may have conference sponsors. In conference materials, sponsors should be informed that they may not give items with a fair market value greater than \$25.

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