

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8551. Offering, Receiving and Soliciting Gifts or Favors.

(a) No person shall give to any public official or public employee, or to the spouse or minor child of either of them, and none of them shall solicit or accept, any anonymous gift.

(b) No person shall give or offer to give to any public official, judicial officer, employee, or Commonwealth contractor, or to the spouse or minor child of any of them, and none of them shall accept, anything of value, including, but not limited to, a gift, favor or promise of future employment, based upon any explicit or implicit mutual understanding that the votes, official actions, decisions or judgments of any official, employee, or Commonwealth contractor concerning the business of the Commonwealth would be influenced thereby. It shall be presumed that a nonmonetary gift having a value of less than \$50 does not involve such an understanding.

(c) No person who has an economic interest in a specific Commonwealth business service or regulatory transaction shall give, directly or indirectly, to any Commonwealth judicial officer or public employee whose decision or action may substantially affect such transaction, or to the spouse or minor child of such official or employee, and none of them shall accept, any gift of:

(1) Cash or its equivalent, regardless of value, or

(2) An item or service other than an occasional one of nominal value (less than \$50); provided, however, nothing herein shall be construed to prohibit such person from accepting gifts from relatives.

(d) A public official or public employee, or a member of the immediate family or a business associate of a public official or public employee, shall not solicit or accept anything of value, or the promise or offer of anything of value, from:

(1) A person regulated by or providing goods or services to, the government entity that the public official or public employee serves;

(2) A person who has offered, or expressed an intention to provide travel expenses, goods or services to any member of a government entity that the public official or public employee serves; or

(3) A person who was regulated by, or provided goods and services to, the government entity that the public official or public employee serves when circumstances show that the thing of value was promised or offered to or received by the public official within one year after the termination of a relationship between the person and the government entity.

(e) Except as prohibited in subsections (a) and (b) of this section, nothing in this section shall prohibit any person from giving or receiving:

(1) An award publicly presented in recognition of public service;

(2) Commercially reasonable loans made in the ordinary course of the lender's business;

(3) Political contributions, provided they are reported to the extent required by law; or

(4) Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official Commonwealth business, if furnished by the sponsor of such public event.

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(f) Evidence of local custom or tradition regarding gift-giving shall be considered by the finder of fact in determining a violation.

(g) Any gift given in violation of the provisions of this section shall be turned over to the Director of Finance, who shall add the gift to the inventory of Commonwealth property.

(h) Nothing in this section shall prohibit any official or employee, or his or her spouse or minor child, from accepting a gift on the Commonwealth's behalf; provided, however, the person accepting the gift shall promptly report receipt of the gift to the Public Auditor and to the Director of Finance, who shall add it to the inventory of Commonwealth property.

Source: PL 8-11, § 1 (§ 8450).