
2006 Wis Eth Bd 05
GIFTS

¶1 You are a state public official. You have asked about the propriety of your retaining various gifts. For the reasons indicated below, we conclude that you may retain each of the items about which you have asked.

¶2 First, you have asked about your retention of two engraved pewter plates and one pewter bowl given to you by a national organization of state agencies in recognition of your year of service as chair of its board of directors and by an organization of state officials in recognition of your years of service as its president and president-elect. You estimate the cost of each item to be \$80. The Board advises that you may retain these items.

¶3 Section 19.45 (2), *Wisconsin Statutes*, provides, in relevant part, “No state public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself.” The gifts were presented to you by the two organizations because you served in those organizations as a result of your holding your state position. In this circumstance, your acceptance of the gifts would be a use of office. The question, then, is whether the gifts have “substantial value.”

¶4 In determining whether a gift is of “substantial value,” the Ethics Board looks at the totality of the circumstances.* Here, the value of the gifts is small in comparison to the time you devoted to the two organizations, the sentimental value of the gifts is greater than their monetary value, and the gifts are, in essence, commemorative in nature. In these circumstances, we conclude that the gifts are not of “substantial value” as that term is used in the Ethics Code, and you may keep them.

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* 5 Op. Eth. Bd. 100.