

Wisconsin Ethics Commission

For State And Local Public Officials

Disposition And Reporting Of Gifts

Occasionally an official receives a gift that the Ethics Code does not permit the official to retain. Appropriate disposition of an item depends on the circumstances.

The Wisconsin Ethics Commission generally recommends that a state or local public official:

- Turn the item over to the official's agency, if the item is one the agency can use or sell (but the agency may not sell the item to a government employee¹).
- Turn the item over to another state agency or to a public institution, such as a local school, library, or museum that can use the item.
- Donate the item to a charitable organization (other than one of which the official or a family member is an officer, director, or agent).
- Return the item to the donor.
- If the donor is neither a lobbyist nor an organization that employs a lobbyist, purchase the item (by paying the donor the full retail value), and retain it.

Reporting receipt of a gift

An official, when filing a Statement of Economic Interests with the Ethics Commission, must identify in the Statement each organization or individual (other than a family member) that gave the official a gift valued at more than \$50 during the prior year. Unless the official returned the gift to the donor, the official should identify the donor on the Statement even if the official has redirected the gift to another person, organization, or office or agency or has applied it to the benefit of the state or a local government.

¹ In an unpublished opinion dated November 16, 2004, Wisconsin's Attorney General stated:

"The Legislature has unambiguously and comprehensively prohibited government agencies from selling to "any employees...any article, material, product or merchandise of whatsoever nature" with three specified exceptions not applicable here. Wis. Stat. §175.10 (1) (2001-02). This statute makes no exception for articles of limited usefulness to an agency.

The plain language of Wis. Stat. §175.10 (1) prohibits a governmental agency from selling to an employee an article that has been turned over to the agency by an employee who was not authorized to receive it under state law, but which the agency cannot use.

If an agency cannot use an article turned over by an employee, the agency, should either give it to the state or to a charitable organization which can put it to good use either for its own purposes or in a resale shop."

This is a guide. For authoritative information consult Wisconsin Statutes.

Prepared by the Wisconsin Ethics Commission. 212 E. Washington Ave., 3rd Madison, WI 53703 (608) 266-8123

Website: <http://ethics.wi.gov> Visit the Commission's website to ensure you have the most current version of this Guideline.

ETH-1235

Gift Disposition Resources

Books, Magazines, CDs, DVDs, Videos

Madison area:

- Madison Public Library, 201 W. Mifflin St. (608) 266-6300
- Memorial Library, 728 State St. (608) 262-3193

For locations of other libraries in Wisconsin and throughout the United States, visit www.publiclibraries.com.

Clothing and Merchandise

Madison area:

- American Red Cross, 4860 Sheboygan Avenue (608) 233-9300
- Goodwill Industries of South Central Wisconsin, 2127 E. Springs Dr. (608) 246-3147
- Salvation Army of Dane County, 3030 Darbo Dr. (608) 256-2321
- St. Vincent de Paul, 1309 Williamson St. (608) 257-0673
- YWCA, 101 E. Mifflin St. (608) 257-1436

For other donation information and locations, you may visit the national websites for the above organizations at: www.redcross.org; www.goodwill.org; www.svdpusa.org; www.ywca.org; www.salvationarmyusa.org.

Food/Perishables and Non-perishable Food Items

Madison area:

- Second Harvest Foodbank of Southern Wisconsin, 2802 Dairy Drive (608) 223-9121; www.secondharvestmadison.org.
- YWCA, 101 E. Mifflin St. (608) 257-1436
- Salvation Army, 630 E. Washington Ave. (608) 256-2321
- St. Vincent de Paul, 1309 Williamson St. (608) 257-0919

You may also contact a local food pantry or other charitable organization of your choosing. It is always a good idea to call ahead and see what is being accepted and/or what is in greatest need prior to your donation.

Flowers/Plants

Madison area:

- Madison Senior Center, 330 W. Mifflin St. (608) 266-6581
- Other suggested donation sites are churches and senior centers in the area of your choosing.

Many of the above items are welcomed by Porchlight, Inc., an organization in Madison that provides emergency shelter and assists with homelessness. 306 N. Brooks St. (608) 257-2534.

For other charitable organizations, you may visit the Partners in Giving website at <https://giving.wi.gov/>.

Please note that the resources listed are simply suggestions for your convenience, and the Wisconsin Ethics Commission does not endorse or recommend any particular charitable organization. If you would like to nominate additional organizations for inclusion on the list, please send an e-mail to Ethics@wi.gov.

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