

CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

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Gifts
Tickets

Charter Sections: 2601(8)
2604(b)(3), (b)(5), and (b)(13)

Opinions Cited: 92-33, 95-14

Advisory Opinion No. 2000-4

An elected official has requested an opinion from the Conflicts of Interest Board (the "Board") as to whether, consistent with the conflicts of interest provisions of Chapter 68 of the City Charter, his office or members of his office's staff may accept gifts of tickets. More particularly, the elected official asks the following series of questions: (1) whether members of his staff may attend, as part of their official duties and at no charge, events and functions for which the public is charged, including those events sponsored by organizations funded by the elected official's office, and even where the value of such events or functions is greater than \$50.00; (2) whether members of his staff, in attending such events in their official capacity, may accept a gift of a ticket for a guest, and if so, how the value of the guest ticket will be determined for the purpose of the Board's \$50.00 "valuable gift" rule; (3)

whether members of his staff may accept gifts of tickets to events which they will attend in their personal capacity, including from organizations funded by the elected official's office, and if so, how the value of these tickets will be determined for the purpose of the Board's \$50.00 "valuable gift" rule; (4) whether his office may accept a gift of a block of tickets, for distribution to staff members for their personal use, where the value of each individual ticket is less than \$50.00, but where the value of the block of tickets is in excess of \$50.00; (5) whether members of his staff may accept the opportunity to purchase tickets, with their personal funds and for their personal use, where the public is not given the same opportunity; and, (6) whether members of his staff may accept, for their personal use, gifts of tickets to events which are free to the public, but where the supply of such free tickets is limited, and where the public does not have the same access to the free tickets.

Background

The elected official has advised the Board that in his office questions related to Chapter 68's prohibitions against acceptance of valuable gifts arise most frequently in connection with tickets to events, and most particularly events sponsored by organizations that receive funding from or through his office. Often these sponsoring groups are not-for-profit organizations, including community groups, labor organizations, educational institutions, and professional associations. Some of these events are fundraisers, and tickets are therefore sold to the events.

The elected official further advises the Board that attendance at these events allows him and his staff to learn more about these organizations, about the problems and issues that they face, and about what assistance they might need to better serve the elected official's constituents. In addition, the elected official and his staff are often called upon to perform honorary and ceremonial duties at these events. He is also invited as an honored guest to the opening of performances and exhibits, sporting events, and other similar functions where the public is charged admission. The elected official also advises that he and his staff typically attend these events as part of their official duties.

The elected official further advises that his office sometimes receives offers of blocks of tickets for distribution to his staff for their personal use. These offers typically come from organizations producing public events, very often organizations which do business with the City, and which sometimes receive funding or other support through the elected official's office. These offers are sometimes made not only to the office of the public official but to other organizations as well, likewise for the personal use of employees.

In connection with these public events and the issue of tickets thereto, the elected official has, as noted above, raised a series of questions. Those questions, and their background, follow.

1. Staff members receiving gifts of tickets to attend, in their official capacity, events sponsored by organizations funded by their office

The elected official offers the example of a not-for-profit organization funded by his office that offers a complimentary ticket to a member of his staff to its annual fundraising dinner. The staff member would attend in his official capacity. The price charged to the public for the ticket is \$200.00, though the invitation identifies only \$125.00 as being tax deductible, which means that the organization's cost is \$75.00. The question posed is whether the staff member may attend, where the sponsoring organization is funded by his office, and where the value of the free ticket is in excess of \$50.00.

2. Staff members receiving a complimentary ticket for a guest

The elected official again offers the example of the staff member attending, as part of his or her official duties, the annual fundraiser of a not-for-profit funded by his office, but with a gift of a ticket not only for the staff member but also for a guest. The elected official asks whether the receipt of such a guest ticket is ever permissible under Chapter 68, and, if so, how to determine, for the purpose of the Board's \$50.00 "valuable gift" rule,¹ the value of the ticket. The elected official asks, for example, how the Board would value, for the purposes of its gift rule, a ticket sold to the public for

¹ Charter Section 2604(b)(5) generally prohibits public servants from accepting "any valuable gift, as defined by rule of the board" from people engaged in business dealings with the City. Pursuant to that provision, the Board has promulgated Rules Section 1-01, which, *inter alia*, defines a "valuable gift" to be any gift to a public servant with a value of \$50.00 or more. See Rules Section 1-01(a).

\$100.00 but which has an apparent cost of \$30.00 (as reflected in the invitation's statement that \$70.00 of the ticket price is tax deductible).

3. Staff members receiving, for their personal use, gifts of tickets to events sponsored by organizations funded by their office

Here, the elected official asks whether a staff member may accept a ticket to an event sponsored by an organization funded by his office, where the staff member will have no official duties, but be attending in his or her personal capacity. For example, the organization may have an extra ticket to a sporting event, and may invite a staff member. Alternatively, the event may be an undersold fundraiser, and a staff member may be offered a complimentary unsold ticket. In the latter example, the elected official asks the same question asked above, namely, whether the "value" of the ticket is the price to the public or the cost to the sponsoring organization.

4. Gifts of a block of tickets

The elected official advises the Board that organizations on occasion will offer his office a block of tickets. For example, an entertainment group will offer his office 50 tickets, valued at \$15.00 each, to a particular performance or event, for distribution to staff members for their personal use. Tickets will then be distributed to staff members, with no individual employee receiving tickets with a value of \$50.00 or more, but with his office in the aggregate receiving tickets with a value of \$750.00.

5. Gift of special access to tickets

The elected official further advises the Board that employees of his office are sometimes offered the opportunity to purchase, with their personal funds and for their personal use, tickets to events, where the same opportunity is not extended to the general public. Here, the employee will pay full price, but will have special access to often hard-to-get tickets. He advises that the producers of such events, typically entertainment or sporting events, withhold a large number of tickets from sale to the general public, and make those tickets available to a variety of individuals and organizations, including his office. As a result, members of his staff have been able to purchase tickets to events which have been "sold out" and have also been able to purchase a greater number of tickets than a member of the general public could purchase. Finally, the elected official advises that this opportunity sometimes comes from organizations which have business dealings with the City.

6. Gifts of free, but hard-to-get, tickets

Lastly, the elected official advises the Board that his office is sometimes given tickets for the personal use of his staff to events which are free to the public, but where the supply of such tickets is limited and where, for the general public, access may be quite difficult, *e.g.*, it may require very lengthy waiting on line. The elected official further advises that these tickets sometimes come from organizations doing business with the City. Finally, the

elected official advises that these tickets have no face value, and asks what value the Board would place on these tickets for the purpose of its “valuable gift” rule.

Discussion

Chapter 68 contains several provisions relevant to the questions presented. Charter Section 2604(b)(3) provides that no public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.

Charter Section 2604(b)(5) provides that no public servant shall accept any valuable gift, as defined by rule of the Board, from any person or firm which such public servant knows is or intends to become engaged in business dealings with the City, except gifts which are customary on family and social occasions.

Charter Section 2604(b)(13) provides that no public servant shall receive compensation except from the City for performing any official duty or accept any gratuity from any person whose interests may be affected by the public servant’s official action.

Pursuant to Charter Section 2604(b)(5), the Board has promulgated as Rules Section 1-01 (Title 53, Rules of the City of New York) its rule on Valuable Gifts, which includes, as noted above, the definition of a “valuable

gift” as any gift to a public servant which has a value of \$50.00 or more; separate gifts to a public servant from the same or affiliated donors within a twelve-month period are aggregated for the purposes of this rule. See Rules Section 1-01(a). Section 1-01 goes on to outline instances when the acceptance of gifts from friends, awards, meals, invitations to events, and travel does not violate Section 2604(b)(5). Among these further provisions of Section 1-01, those relevant to the questions posed here are these:

*Section 1-01(f)(3), which permits a public servant to be a guest at ceremonies or functions sponsored or encouraged by the City as a matter of City policy.

*Section 1-01(f)(4), which permits a public servant to attend an annual public affair of an organization composed of representatives of business, labor, professions, news media, or organizations of a civic, charitable, or community nature, when invited by the sponsoring organization, provided that this exception does not apply when the invitation is from a civic, charitable, or community organization which has a contract or contracts with the public servant’s agency.

*Section 1-01(g), which permits a public servant who is an elected official or a member of the elected official’s staff authorized by the elected official to attend a function given by an organization composed of representatives of business, labor, professions, news media, or organizations of a civic, charitable, or community nature, when invited by the sponsoring organization.

*Section 1-01(f)(5), which permits a public servant to be a guest at any function or occasion where the attendance of the public servant has been approved in writing as in the interests of the City, in advance where practicable or within a reasonable time thereafter, by the employee's agency head or by a deputy mayor if the public servant is an agency head.

In light of the above provisions, as interpreted in several prior opinions of this Board, the Board determines the following regarding the questions presented.

1. Staff members receiving gifts of tickets to attend, in their official capacity, events sponsored by organizations funded by their office

In general, these events are the sort for which Rules Section 1-01(g) was crafted, i.e., events attended by elected officials or designated staff members in their official capacity, whether or not the sponsoring organization was funded by his office. In contrast, Section 1-01(f)(4), which applies to public servants other than elected officials, does not permit attendance at events of organizations in contract with the public servant's agency. In either case, and indeed in all cases under Rules Sections 1-01(e), (f), (g), and (h), which permit the acceptance of gifts under specified circumstances, the public servant who is accepting the permitted meals, tickets, or travel must of course be undertaking the activity in question **in the course of his or her official duties**. In the case of Rule 1-01(f)(5) or 1-01(g), for example, the agency

head or elected official who is approving or designating a staff member to attend an event or function must take care to determine that there is a **City**, and not merely a personal, purpose for the staff member's attendance.

Therefore, it would not violate Chapter 68 for the elected official, or a member of his staff authorized by him, to attend, **as part of his official duties**, a function of an organization composed of representatives of business, labor, professions, news media, or organizations of a civic, charitable, or community nature, when invited by the sponsoring organization, regardless of the price which the public may be charged for a ticket to the event, and regardless of whether his office provides funding for that organization. See Rules Section 1-01(g).² In addition, when the sponsoring organization is not of the type described in Rules Section 1-01(g), or when the invitation does not come from the sponsoring organization (*e.g.*, when some other entity buys the ticket and gives it to the elected official), such attendance, in the public servant's official capacity, will nevertheless likewise not violate Chapter 68, provided that it has been approved in writing as in the interests of the City by the attending employee's agency head. See Rules Section 1-01(f)(5).

² Similarly, pursuant to Rules Section 1-01(f)(5), a deputy mayor may authorize an agency head, or an agency head may authorize a member of his or her staff, to receive a complimentary ticket to an event sponsored by an organization funded by his or her agency, where there is a City purpose for the agency head's or staff member's attendance. In the case of certain agencies, *e.g.*, the Department of Cultural Affairs, the number of such events may be high, in which case the deputy mayor or agency head may provide periodic written approval.

2. Staff members receiving a complimentary ticket for a guest

Here, as in the prior question, the elected official or member of his staff is attending the event in his official capacity at no charge, but receives a second ticket, also free of charge, for a guest. As noted, acceptance by the elected official or staff member of a gift of a ticket for his own official use will not violate Chapter 68 when the conditions of Rules Section 1-01(f)(5) or Section 1-01(g) are met. But may he accept the guest ticket?

The Board determines that it would not be a violation of Chapter 68 under these circumstances for the elected official or member of his staff to accept the **one** complimentary guest ticket.³ The Board notes the strains on family and personal life which certain obligations of public service present, and does not believe that permitting acceptance of a second ticket, which may mitigate these strains, will create a conflict of interest.

3. Staff members receiving, for their personal use, gifts of tickets to events sponsored by organizations funded by their office

Here, the elected official, or perhaps more typically his staff member, is offered a gift of a ticket to an event which he or she will attend in his or her personal capacity. Unlike the prior questions, therefore, which concerned attendance at events as part of the public servant's official duties, the

³ In the context of the "guest ticket" question, the Board thus finds the value of the second ticket irrelevant, so the question about how to value that ticket need not be reached. In answering question number 3, infra, however, the Board does address the value question.

provisions of Rules Sections 1-01(f) and 1-01(g) do not apply.⁴ Those provisions set forth circumstances under which public servants, acting in the course of their official duties, may attend events.

The offer here, moreover, comes from an organization that has business dealings with the City (see Charter Section 2601(8) for a definition of “business dealings with the city”), indeed from an organization that receives City funding through the efforts of the elected official’s office. The free tickets may be “extra” tickets to a sporting event, or unsold tickets to a fundraiser.

Under such circumstances, it would be a violation of Section 2604(b)(5) for the public servant to receive such tickets if their value was \$50.00 or more, or if the cumulative value of gifts from this donor was over \$50.00 in any 12 month period. See Charter Section 2604(b)(5) and Board Rules Section 1-01(a). As to the “value” of such tickets, their value for the purposes of Chapter 68 is their price to the public, typically the price stated on a ticket or an invitation. Thus, if a staff member of an elected official is offered, in his or her personal capacity, an “extra” ticket to a fundraising event from an organization doing or seeking to do business with the City, where tickets to the event are sold to the public for \$100.00, acceptance of the ticket would violate Chapter 68, regardless of the event’s cost to the organization.

⁴ The Board notes that the highest ranking elected officials, unlike their staff, may almost always attend public events in their official capacity. In such cases, the provisions of Rules Sections 1-01(f) and 1-01(g) do apply.

4. Gifts of a block of tickets

Here the elected official offers the example of an entertainment company sending a complimentary block of 50 tickets, valued at \$15.00 each, for distribution to his staff for their personal use.

The tickets are not sent, for example, as 50 separate gifts, addressed to 50 different named employees, in which case accepting them might arguably⁵ be permissible, because under \$50.00 in value, per the Valuable Gift rule. See Rules Section 1-01(a). Nor are they a gift of 50 tickets to a function for 50 staff members to attend in the course of their official duties as envisioned by Rules Section 1-01(g), as discussed above.

Rather, the gifts of blocks of tickets to the office of an elected official for the office's distribution to staff or others, whether motivated by the donor's desire for access and influence or whether made as a simple act of generosity to sometimes underappreciated public servants, are, as described, a single, "block" gift to the elected official's office. Where the value of the block is \$50.00 or more, the gift will be permissible only if a permissible "gift to the City."

The Board notes that valid **City** purposes for gifts of blocks of tickets to City agencies may well exist. For example, a gift of tickets which are in turn passed on to homeless children temporarily sheltered by the City would

⁵ Whether or not otherwise permissible, a gift to a public servant of a single \$15.00 ticket would violate Chapter 68 if received as an impermissible gratuity or compensation. See Charter Section 2604(b)(13), which prohibits the receipt of compensation except from the City for performing any official duty and the receipt of a gratuity from any person whose interests may be affected by the public servant's official action.

not violate Chapter 68. Similarly, tickets distributed to City employees for a City purpose might well not violate Chapter 68. For example, when tickets become available to the City because of the City's involvement in an event or because of its relationship to the donor, either for no cost or for sale at face value, these tickets can be distributed to City employees if the involved agency head determines that there is a City purpose for such distribution and if the tickets are distributed in a manner approved by the agency head. In such cases, the first, and typically only,⁶ question under Chapter 68 is whether these tickets, which are City resources, are being distributed for a City purpose. See Board Rules Section 1-13(b). As the Board determined in Advisory Opinion No. 92-33, however, there are circumstances which will render impermissible what would otherwise be a permissible gift to the City, for example, "complex and controversial...negotiations [between the donor and the City agency over a] proposed project." Advisory Opinion No. 92-33, page 4. Similar indicia of a conflict of interest would include a distribution of tickets pursuant to the donor's wishes (for example, to those at the agency with whom the donor has business dealings), rather than their distribution as the agency head independently determines. If the office or agency to which such tickets are offered has any doubt about accepting them, the Board

⁶ In contrast with the examples discussed in paragraphs 5 and 6, *infra*, where the Board notes circumstances where the solicitation of tickets from a private party might violate Chapter 68, a public servant who asks his or her agency for such "City" tickets will, except in extraordinary circumstances, not violate Chapter 68.

encourages requests for advice as to whether their acceptance would violate Chapter 68.

5. Gift of special access to tickets

Here the elected official asks whether employees of his office may purchase with their personal funds and for their personal use tickets to "hot" events, *e.g.*, events to which tickets may not be sold to the general public, or whose tickets are difficult for the general public to obtain.⁷ The producers of these events provide special access to these tickets to the elected official's staff, sometimes including access to a greater number of tickets than is offered to the general public. Examples include sold-out Broadway shows, professional team sports playoffs, and the U.S. Tennis Open. The elected official advises that similar special access to tickets is provided to others, including corporate sponsors, friends and families of the performers, the media, and other similar public and private groups.

The Board first notes that, whatever may be provided elsewhere in Chapter 68, such special access to tickets cannot be said to violate Section 2604(b)(5). That section prohibits the receipt of a valuable gift, as defined by Board rule, and the applicable Board rule, Section 1-01(a), in turn, defines "valuable gift" as a gift with a value of \$50.00 or more. While it might indeed

⁷ The elected official advises that these tickets may sometimes be available through brokers or scalpers. Given the wide variation in prices charged by such sellers, the Board declines to base its decision on whether, for example, a broker's surcharge for a particular ticket might be said to be more or less than \$50.00.

be argued, where the public servant pays face value, that no value is conveyed, it is probably more accurate to conclude that the value cannot be reasonably calculated. The Kentucky Legislative Ethics Commission in its Opinion OLEC 98-5 advanced both arguments in approving the practice of the Kentucky Derby of offering all members of the State legislature the opportunity to purchase, at their face value, tickets to the Derby. Those tickets, like tickets to some major New York City sporting events, are, the Board understands, difficult for the general public to obtain.

The Board has, however, noted that Section 2604(b)(3), the prohibition on the use of one's official position for private gain, is relevant to the question of public servants receiving special benefits. In Advisory Opinion No. 95-14, this Board stated that it would not violate Chapter 68 for employees of a neighborhood office of a City agency to accept a local bank's offer of special banking privileges, where such privileges were being offered to the employees of many, if not most, local businesses as part of the bank's marketing plan.⁸ The Opinion stated that the "employees of the Office would not be obtaining a private benefit solely because of their status as City employees." See Advisory Opinion No. 95-14, page 3.

Here, in contrast, while it might be argued that the tickets were likewise being offered widely, these tickets appear to be offered to the elected

⁸ Another example where the "generalized" nature of the gift will in all likelihood likewise mean that no Chapter 68 violation has occurred is when a gift is extended to *all* City employees, for example, the annual offer during the holidays of a discounted ticket to Radio City Music Hall.

official's office "solely because of their status as City employees." That distinction from the banking privileges found permissible in Advisory Opinion No. 95-14 is however not dispositive. The public servant here is paying face value for the offered ticket, and hence, except in the case of the sold out event, it is the seller who obtains the advantage. If the public servant obtains any advantage, it is generally one open to the public. The sold out event plainly is the harder case, since for such events the public servant is in fact obtaining something which the general public cannot obtain, and is receiving that benefit because of his official position.

A "bright line" rule turning on whether the event to which the opportunity to purchase tickets is sold out, while theoretically attractive (though, as noted, rejected by the Kentucky Legislative Ethics Commission), raises practical difficulties. How can the conscientious public servant who wishes to conform his behavior to this rule determine whether or not an event is sold out? And should he, or she, be permitted to purchase the ticket if offered "early," before all the tickets are sold, but not later, when only "house seats" are available.

For these reasons, the Board concludes that, on the question asked, the acceptance of an offer to purchase tickets to "hot" events will not violate Chapter 68, but that it will violate Section 2604(b)(3) in certain circumstances when a public servant affirmatively seeks to purchase tickets to an event. Whether a public servant who so solicits the purchase of tickets

violates Chapter 68 will turn on a variety of factors. Factors which will suggest that such solicitation violates Section 2604(b)(3) include whether the public servant identifies his City position or title; whether his City position is clearly known to the ticket seller; whether the ticket seller has matters before the public servant's office; whether the tickets are not otherwise available to the general public; and the absence of a prior personal relationship between the public servant and the seller. Because of the clear opportunity for misuse of one's position and because of the complexity of the issues relating to tickets, the Board strongly encourages public servants and agencies to contact the Board when faced with these questions. Public servants who fail to do so act at their own peril.

6. Gifts of free, but hard-to-get, tickets

Here again the elected official advises that a block of tickets is sometimes offered to his office, and to a few community organizations, for events which are free to the public, but whose tickets are often quite difficult to obtain. The familiar example is "Shakespeare in the Park," the free summer theatre in Central Park for which the general public often stands on a daylong line. In the case presented, these tickets are offered for the personal use of the elected official's staff, with no apparent City purpose for their attendance, and hence may not be received as a permissible gift to the City⁹.

⁹ For a discussion of permissible gifts to the City, see paragraph 4, supra.

As in the prior question, involving access to tickets, the simpler question under Chapter 68 involves Section 2604(b)(5). It might be argued that because these tickets are free to the public, the public servants receiving them are receiving no value (and indeed such an argument might be consistent with the Board's determination, in question #3, supra, that the value of a ticket would be determined by its price to the public, not its cost). In any event, because it cannot be determined with any certainty that the value of such a free ticket exceeds \$50.00, accepting such a free ticket will not violate Section 2604(b)(5).

The harder question of Section 2604(b)(3) remains. When an elected official's office receives these free tickets for staff's personal use, they have almost certainly received something which they would not have received but for their official position. Where that "something" is a ticket to a free event, however, a remaining question is whether that "something" constitutes an "advantage." Tickets to free events may indeed be offered to elected officials' offices, for distribution to staff, which, in the vernacular, cannot be given away. Unless the receipt of these tickets is forbidden altogether (a bright line rule which might stretch the meaning of Section 2604(b)(3)), a less restrictive rule short of a blanket approval is, as in the case of the offer of access to tickets, difficult to define.

For these reasons, as in the case of the offer of access to tickets, the Board concludes that the acceptance of a block of tickets to a free event, even

if a "hot" event, will not violate Chapter 68,¹⁰ but that it will violate Section 2604(b)(3) in certain circumstances when a public servant affirmatively seeks from a non-City source tickets to a free event. Whether a public servant who so solicits free tickets violates Chapter 68 will turn on a variety of factors. Factors which will suggest that such solicitation violates Section 2604(b)(3) include whether the public servant identifies his City position or title; whether his City position is clearly known to the ticket distributor; whether the ticket distributor has matters before the public servant's office; whether the tickets are not otherwise available to the general public; and the absence of a prior personal relationship between the public servant and the donor. Again, as noted above, because of the clear opportunity for misuse of one's position and because of the complexity of the issues relating to tickets, the Board strongly encourages public servants and agencies to contact the Board when faced with these questions. Public servants who fail to do so act at their own peril.

Conclusion

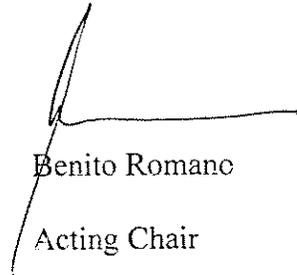
As set forth above, the Board has determined (1) that it would not violate Chapter 68 for an elected official or designated member of his staff to accept a gift of a ticket to an event, even where the sponsoring organization is funded by his office, regardless of the price of the ticket, when attending in his

¹⁰ Even less problematic than the example raised here (a somewhat targeted gift of free tickets to an elected official's office) is the case of a large block of tickets provided to the City, for distribution to its employees, for a free event co-sponsored by the City. Such tickets are City resources, and care should simply be taken that they are distributed for a City purpose.

official capacity and when the conditions of Board Rules Section 1-01(f)(5) or 1-01(g) are met, (2) that in circumstances where the elected official or designated member of his staff has permissibly accepted a gift of a ticket to an event for his official use, it would likewise not violate Chapter 68 to accept one complimentary guest ticket, regardless of its value, (3) that it would violate Chapter 68 for a staff member of an elected official to receive for his or her personal use a gift of a ticket to an event, or gifts from the same donor of tickets to events over a 12 month period, with an aggregate value of \$50.00 or more, where the value is determined by their price to the public, not their price to the sponsoring organization, (4) that it would violate Chapter 68 for an elected official's office to accept a gift of a block of tickets with an aggregate value of \$50.00 or more to be distributed to staff for their personal use, regardless of the value of the individual tickets,¹¹ unless there was a City purpose for the gift, (5) that it would not violate Chapter 68 for members of an elected official's staff to accept an offer to purchase with their own funds, for their personal use, tickets to events, where access to those tickets is limited and where they are provided access because of their public office, provided that, as noted above, the public servant did not affirmatively seek to purchase tickets, in which case, depending on the circumstances, such solicitation might violate Section 2604(b)(3), so that the public servant who does not first inquire of the Board acts at his or her own peril, and (6) that it would not

¹¹ One arguable exception to this general proposition is the rare case where the total value of the entire block of tickets is less than \$50.00, an example not before the Board in the instant case.

violate Chapter 68 for an elected official's office to accept the gift of a block of tickets to a free event for the personal use of the office's staff, where access to such tickets is otherwise difficult and where the offer is made to the elected official's office because it is a public office, again provided, as noted above, that the public servant did not affirmatively seek the tickets, in which case, depending on the circumstances, such solicitation might violate Section 2604(b)(3), so that the public servant who does not first inquire of the Board acts at his or her own peril.



Benito Romano
Acting Chair

Bruce A. Green

Jane W. Parver

Dated: December 29, 2000