

# SEATTLE ETHICS AND ELECTIONS COMMISSION

## Ethics Code Interpretive Rules

### Rule 2. Gifts.

#### I. PURPOSE AND SCOPE:

This rule provides guidance to City officers and employees regarding when receiving a gift would or would not violate the Ethics Code.

The Code prohibits receiving a gift that:

- 1) was in fact given to obtain special consideration or influence; or,
- 2) would appear to a reasonable person to have been given to obtain special consideration or influence.

This rule describes some circumstances under which the Commission would find that a gift would not appear to a reasonable person to have been given with the intent to obtain special consideration or influence, and therefore accepting the gift would not violate that portion of the code.

Evidence that such a gift was, in fact, given with the intent to obtain special consideration or influence would still make the receipt of the gift a violation of the Ethics Code.

Gifts that are not permitted under this rule will be analyzed under SMC 4.16.070.3, quoted below.

#### II. REFERENCES:

- a. The City Ethics Code (SMC Chapter 4.16) applies generally to “City officers or employees.” “City officer or employee” means every individual elected or appointed to an office or position of employment in any City agency, whether such individual is paid or unpaid. SMC 4.16.030.E.
- b. SMC 4.16.070.3.a provides that no City officer or employee may “[s]olicit or receive any retainer, gift, loan, entertainment, favor, or other thing of monetary value from any person or entity where the retainer, gift, loan, entertainment, favor, or other thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by such officer or employee in his or her official capacity; provided, that nothing shall prohibit contributions which are solicited or received and reported in accordance with applicable law.”

- c. SMC 4.16.070.2.a provides that no City officer or employee may “[u]se his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the officer or employee, rather than primarily for the benefit of the City; or to achieve a private gain or an exemption from duty or responsibility for the officer or employee or any other person.”
- d. SMC 3.70.100.C empowers the Commission to promulgate rules and regulations in order to carry out the Commission-administered ordinances, including the Ethics Code.

### **III. RULE**

#### **1. Definitions**

- a. “City officer or employee” means every individual elected or appointed to an office or position of employment in any City agency, whether such individual is paid or unpaid. For purposes of Sections 4.16.090.G and 4.16.100.B only, “City employee” also includes every individual who was a City employee at the time of the act or omission that is alleged to have violated this chapter, even though he or she is not a City employee at the time of the hearing or appeal provided under those subsections.
- b. “Hosted reception” means a social function that: 1) is attended by a diverse group of no fewer than 20 people, 2) has attendees that are not limited to City officers, city employees, and the hosts, and 3) that does not involve a sit-down meal.
- c. “Events” means fundraisers, galas, annual meetings and similar events, but does not include sporting events or artistic or cultural performances, unless those performances are incidental to the event.
- d. “Civic, charitable, governmental, or community organization” means a not-for-profit organization serving a civic, charitable, governmental, or community purpose.
- e. “Participate” means to participate in a City action or a proceeding personally and substantially as a City officer or employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise.
- f. “Interested Person” means any individual, or public or private organization of any character, significantly affected by, or interested in a quasi-judicial proceeding, including any party thereto.



been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest;

- b. Gifts that are accepted on behalf of the City, and retained as City property;
- c. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- d. Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;
- e. Unsolicited food and beverages consumed at hosted receptions;
- f. Unsolicited admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;
- g. Gifts from individuals with whom the City officer or employee has historically exchanged gifts of commensurate value.