

CITY OF PHILADELPHIA  
DEPARTMENT OF BOARD OF ETHICS  
2013 OCT 18 PM 12:29

MEMORANDUM

778423

**TO:** Department of Records  
Attn: Lillie Lawrence

**FROM:** Maya Nayak, General Counsel *MN*

**DATE:** October 18, 2013

**SUBJECT:** Board of Ethics Regulation No. 10

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At a public meeting on October 16, 2013, the Board of Ethics voted to approve for public comment the attached draft Regulation No. 10 (Gifts). The Law Department has approved this proposed regulation. In accordance with Section 8-407 of the Home Rule Charter, I am forwarding the draft of Regulation 10 for public comment to you for advertising and public inspection.

Please note that the Board has already scheduled a public hearing in this matter, so the newspaper legal notice of this proposed regulation should also announce a public hearing, which will be held on November 20, 2013 at 1:00 p.m. at this location:

Philadelphia Board of Ethics  
One Parkway Building  
1515 Arch Street, 18<sup>th</sup> Floor  
Philadelphia, PA 19102

Please let me know if you have any questions. Thank you for your assistance with this matter.

Enclosures (Law Dept. approval memo; Regulation 10 approved for public comment)

cc (via email): Martha Johnston, Senior Attorney

**CITY OF PHILADELPHIA  
LAW DEPARTMENT**

**MEMORANDUM**

**DATE: October 18, 2013**

**TO: Michael H. Reed, Chair, Board of Ethics**  
**FROM: Martha Johnston, Senior Attorney/MJ**  
**SUBJECT: Ethics Board Regulation No. 10**

I have reviewed the Philadelphia Board of Ethics' proposed Ethics Board Regulation No. 10, and find it to be legal, within the Board's authority, and in proper form. Such approval does not indicate agreement or disagreement with the Board's interpretation and administration of ethics rules under the Philadelphia Home Rule Charter or The Philadelphia Code, which is the exclusive role of the Board pursuant to Section 4-1100 of the Charter.

In accordance with Section 8-407(a) of the Home Rule Charter, you may now forward the proposed Regulation to the Department of Records where it will be made available for public inspection.

Attachment

Cc: Shane Creamer, Executive Director

7784214

DEPARTMENT OF RECORDS  
2013 OCT 18 PM 12:03

PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
HEARING SCHEDULED FOR NOVEMBER 20, 2013 AT 1:00PM

778425

PHILADELPHIA BOARD OF ETHICS  
REGULATION NO. 10  
GIFTS

Table of Contents

Summary .....	pg. 1
Subpart A. Scope.....	pg. 2
Subpart B. Permissible gifts.....	pg. 3
Subpart C. Gifts from restricted sources.....	pg. 3
Subpart D. Other limitations on gifts .....	pg. 7
Subpart E. Valuation of gifts .....	pg. 8
Subpart F. Remedial steps if a prohibited gift is accepted .....	pg. 8
Subpart G. Penalties .....	pg. 9
Subpart H. Gratuities are prohibited .....	pg. 9
Subpart I. Definitions.....	pg. 11

DEPARTMENT OF RECORDS  
2013 OCT 18 PM 12:30

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
HEARING SCHEDULED FOR NOVEMBER 20, 2013 AT 1:00PM**

**SUMMARY**

This Regulation provides detailed guidance on the City Ethics Code's rules regarding gifts to City officers and employees. The Regulation also provides guidance on the Philadelphia Home Rule Charter's almost total ban on the acceptance of gratuities by City officers and employees.

An officer or employee **may** accept gifts in unlimited amounts from:

- A family member;
- A relative within the third degree of consanguinity; or
- A person who is not a restricted source. Restricted sources are listed at Paragraph 10.4.

An officer or employee **shall not**:

- Solicit gifts worth \$200 or more from a restricted source.
- Solicit \$50 or more in money from a restricted source. Gifts of money count toward the overall annual gift limit.
- Accept gifts worth \$200 or more from a restricted source, unless the gifts meet one of the exceptions listed in Subpart C.
- Solicit anything of value for or because of an act or omission made in the discharge of his or her official duties.
- Accept anything of value for or because of an act or omission made in the discharge of his or her official duties, except as provided in Paragraph 10.18.

Note: If an officer or employee who accepts a gift or gifts worth \$200 or more files a City Statement of Financial Interests, he or she must disclose the gift on that Statement.

**SUBPART A. SCOPE.**

**10.0 Scope.** This Regulation, promulgated by the Board pursuant to its authority under Sections 4-1100 and 8-407 of the Philadelphia Home Rule Charter and Chapter 20-600 of the Philadelphia Code, interprets Code Section 20-604 and Charter Section 10-105.

Code Section 20-604 provides that no City officer or employee "shall solicit, accept or receive any gift, loan, gratuity, favor or service of substantial economic value that might reasonably be expected to influence one in his position in the discharge of his official duties, from any person, firm, corporation or other business or professional organization."

This Regulation interprets the text of Code Section 20-604 to mean that a) substantial economic value is \$200 or more (or \$50 or more in money) and b) a gift might reasonably be expected to influence an officer or employee in the discharge of his or her official duties if the gift is from a person who has an interest the officer or employee is able to substantially affect through official action. Such persons are called restricted sources, as set forth in Paragraph 10.4.

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
HEARING SCHEDULED FOR NOVEMBER 20, 2013 AT 1:00PM**

This Regulation applies to all City officers and employees. Officers and employees of the Executive Branch are also subject to the Mayor's Executive Order No. 3-11 (Prohibition on Acceptance of Gifts by City Officers and Employees). The Executive Order may prohibit conduct that is permitted by this Regulation, so Executive branch employees should seek guidance from the City's Chief Integrity Officer to determine whether the Executive Order permits their proposed conduct.

Many City employees are also subject to Pennsylvania's Public Official and Employee Ethics Act (65 Pa.C.S. § 1101, *et seq.*), which prohibits any effort to realize personal financial gain through public office other than compensation provided by law. The State Ethics Commission administers and provides guidance on the Pennsylvania Public Official and Employee Ethics Act.

**SUBPART B. PERMISSIBLE GIFTS**

**10.1** An officer or employee may accept gifts of any value from a person who is not a restricted source. Restricted sources are listed in Paragraph 10.4.

**10.2** An officer or employee may accept things of value in unlimited amounts from a family member or from a relative within the third degree of consanguinity, even if that family member or relative is a restricted source.

**10.3** An officer or employee may accept gifts of any value if a government entity is the source of the gift.

Note: As explained in Subpart H, an officer or employee may not solicit or accept anything of value for or because of an act or omission made in the course of his or her official duties.

**SUBPART C. GIFTS FROM RESTRICTED SOURCES**

**10.4 Restricted sources.**

- a. A restricted source is any person who has an interest an officer or employee is able to substantially affect through official action. A person is not a restricted source if the officer or employee's official action affects, to the same degree, an interest the person shares with a large class of similarly situated persons. Examples of restricted sources include, but are not limited to:
  - i. A lobbyist, lobbying firm, or principal who has lobbied the officer or employee;
  - ii. A person who is seeking, or has sought in the preceding six months, official action from the officer or employee;
  - iii. A person who seeks services from the officer's or employee's agency, but only if the officer or employee is able to take action regarding the services sought;
  - iv. A person who is doing business or seeking to do business with the officer's or employee's agency, but only if the officer or employee is able to take action regarding that business;
  - v. A person who conducts activities regulated by the officer's or employee's agency, but only if the officer or employee is able to take action regarding those activities;

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
HEARING SCHEDULED FOR NOVEMBER 20, 2013 AT 1:00PM**

- vi. A person who represents other persons who seek official action from the officer or employee;
  - vii. A person who represents other persons who seek services from, do business with, or conduct activities regulated by an officer's or employee's agency, but only if the officer or employee is able to take action regarding that business or those services or activities; and
  - viii. A superior or subordinate of an officer or employee or any other officer or employee who is able to take official action that would substantially affect an interest of the officer or employee.
- b. A person is not a restricted source for an officer or employee if the officer or employee is not able to substantially affect the person's interest through official action.
- c. An individual is not a restricted source because he or she is employed by a restricted source unless:
- i. The individual is reimbursed by the restricted source for a gift he or she gives an officer or employee; or
  - ii. The individual is employed by a lobbying firm or by a lobbyist.

**Example for 10.4(a):** An individual who owns a house in Mt. Airy is not a restricted source for each member of City Council solely because City Council is able to raise or lower the City's property tax rate.

**10.5 General rule for gifts to officers or employees from restricted sources.**

- a. Except as provided by this Regulation, an officer or employee shall not solicit, accept, or receive from a restricted source, and a restricted source shall not offer or give to an officer or employee:
- i. \$50 or more in money in the aggregate per calendar year; or
  - ii. Any gifts worth \$200 or more in the aggregate per calendar year. Gifts of money shall count toward this overall annual gift limit.
- b. An officer or employee may solicit, accept, or receive from a restricted source, and a restricted source may offer or give to an officer or employee:
- i. Monetary gifts that have a value of less than \$50 in the aggregate per calendar year; or
  - ii. Total gifts that have a value of less than \$200 in the aggregate per calendar year. Gifts of money count toward this overall annual gift limit.

**Example for 10.5(a)(i):** A lawyer who has applied for a position at the Law Department may not give the City Solicitor a pre-paid debit card worth \$75 even though the lawyer was a friend of the Solicitor before applying for the position.

**Example 1 for 10.5(a)(ii):** The Commissioner of the Department of Recreation may not accept a vase worth \$500 from a vendor who has a contract with the Department.

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
HEARING SCHEDULED FOR NOVEMBER 20, 2013 AT 1:00PM**

*Example 2 for 10.5(a)(ii):* A lawyer who represents parties before the Zoning Board of Adjustment may not give a member of the Board a watch worth \$300.

*Example 3 for 10.5(a)(ii):* A candidate for City office may not give the Executive Director of the Board of Ethics a Wedgewood Philadelphia bowl worth \$500.

*Example 4 for 10.5(a)(ii):* A landlord who rents space to the City may not give the Commissioner of the Department of Public Property \$40 in cash and an antique print of City Hall worth \$190 in the same calendar year.

*Example 1 for 10.5(b)(ii):* A City Councilmember may accept two Eagles tickets worth \$75 each from a lobbyist who has lobbied the Councilmember, so long as that lobbyist has not previously given the Councilmember \$50 or more worth of gifts during that calendar year.

*Example 2 for 10.5(b)(ii):* Upon returning to work following a vacation at the beach, a City employee may give her supervisor, and her supervisor may accept, a box of saltwater taffy purchased on the boardwalk for \$8.

**10.6 Exceptions for gifts from restricted sources.** An officer or employee may accept, but not solicit, from a restricted source, and a restricted source may give, the following gifts without the value of such gifts counting towards the limits set forth in Paragraph 10.5:

- a. Hospitality provided at a residence when the donor or a family member of the donor is present;
- b. Food, beverages, or entertainment provided at a reception for which attendees do not have to purchase a ticket;
- c. Rebates or discounts offered to members of the general public or a class of persons, including rebates or discounts offered to a class of officers or employees;
- d. Gifts resulting solely from the officer's or employee's membership in a bona fide charitable, professional, educational, labor, or trade organization;
- e. Free attendance at an event celebrating a major life event of another individual;
- f. Food and beverages provided to all participants in the ordinary course of a meeting for the purpose of allowing work to continue, if the food and beverages are provided at the site of the meeting and not at a restaurant or similar establishment;
- g. Food and beverages provided by a superior, subordinate, or other co-worker and consumed as part of an office or agency event;
- h. Gifts resulting solely from the officer's or employee's outside employment;
- i. Gifts resulting solely from the officer's or employee's life partner's or spouse's business or employment activities;
- j. Free admission to political events, including food and beverages, if the officer or employee is permitted to engage in political activity in coordination with candidates, political parties, or partisan political groups;

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
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- k. Tickets for public events given to an elected officer that the elected officer does not personally make use of and gives to members of the public, who shall not include a member of the officer's family or government or campaign staff.

*Example for 10.6(a):* A City employee may spend the weekend at his supervisor's shore house if the supervisor or a member of the supervisor's family is also present.

*Example for 10.6(b):* A City Commissioner may attend a cocktail party hosted by a vendor who has a contract with his department.

*Example for 10.6(e):* A City Council employee may attend the bat mitzvah of the child of a City lobbyist who has lobbied him.

*Example for 10.6(g):* Employees of the Board of Ethics go out for drinks at El Vez on a Friday evening. The Deputy Executive Director may pay the tab at the end of the night.

*Example for 10.5(b)(ii) and 10.6(k):* A lobbyist gives a City Councilmember 50 Flyers tickets worth \$50 each. The Councilmember may keep three of the tickets for himself and give the remaining 46 tickets to his constituents.

**10.7** If a restricted source raises or collects gifts from other persons for the benefit of an officer or employee, the total value of the gifts solicited shall count as a gift to the officer or employee from the restricted source and the limits set forth in Paragraph 10.5 shall apply. However, the limits set forth in Paragraph 10.5 do not apply if an officer or employee raises or collects gifts from his or her superiors, subordinates, or other City employees in order to give a gift for a major life event to another City employee.

*Example 1 for 10.7:* A lawyer who represents parties before the Civil Service Commission may not ask each of the 30 lawyers in his firm to contribute \$10 towards a birthday present for the Chair of the Commission.

*Example 2 for 10.7:* An Assistant District Attorney may collect \$20 from 15 co-workers to pay for a baby shower present for their supervisor.

**10.8 Gifts that serve a legitimate government purpose.**

- a. A restricted source may pay or reimburse an officer's or employee's reasonable expenses for admission, travel, lodging, or food and beverage related to attendance at an event, convention, conference, seminar, or fact-finding trip and the payment or reimbursement will not count towards the limits set forth in Paragraph 10.5 if:
  - i. The officer or employee obtains written approval as set forth in Subparagraph 10.8(b) and provides by postal mail or email a copy of the written approval to the Board's Executive Director within 14 days of receipt of the approval; and
  - ii. The officer's or employee's participation will benefit the City and is reasonably related to his or her official duties or expertise.

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
HEARING SCHEDULED FOR NOVEMBER 20, 2013 AT 1:00PM**

- b. **Written approval.**
- i. **Elected officers and board and commission members.** An elected officer or a board or commission member does not need to obtain written approval in order to accept a gift pursuant to this paragraph.
  - ii. **Heads of Executive Branch agencies.** The head of an Executive Branch agency must obtain written approval from either the Mayor or the Mayor's designee prior to accepting a gift pursuant to this paragraph. The written approval must identify the date of receipt and nature of the gift and describe how the officer's or employee's participation or attendance will benefit the City and is related to his or her official duties or expertise.
  - iii. **Most officers and employees.** Any officer or employee not covered by 10.8(b)(i) or 10.8(b)(ii) must obtain written approval from the head of his or her agency, or the agency head's designee, prior to accepting a gift pursuant to this Paragraph. The written approval must identify the date of receipt and nature of the gift and describe how the officer's or employee's participation or attendance will benefit the City and is related to his or her official duties or expertise.
- c. Factors relevant to determining whether an officer's or employee's attendance at a convention, conference, seminar, event, or fact-finding trip will benefit the City and is reasonably related to his or her official duties or expertise include:
- i. Whether the officer or employee is scheduled to deliver a speech, make a presentation, serve on a panel, or otherwise represent the City in his or her official capacity;
  - ii. Whether the officer or employee will receive training or information that he or she will use to fulfill his or her official duties; and
  - iii. Whether the officer's or employee's agency would expend funds to cover the cost of a similar convention, conference, seminar, event, or fact-finding trip.
- d. **Other gifts that serve a legitimate government purpose.** An officer or employee shall seek guidance from the Board's General Counsel on whether a gift from a restricted source for something other than what is described in Paragraph 10.8 is a gift that serves a legitimate government purpose.

**SUBPART D. OTHER LIMITATIONS ON GIFTS**

**10.9** No person shall give a gift to an officer or employee through another person if this Regulation would prohibit the person from giving the gift directly to the officer or employee.

**10.10** A gift to another person is a gift to an officer or employee if the officer or employee solicits the gift and receives a financial benefit from it.

**10.11** If a person offers an officer or employee a gift prohibited by this Regulation, the officer or employee shall not suggest or request an alternative recipient, such as a charity.

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
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**SUBPART E. VALUATION OF GIFTS**

**10.12** The value of a gift is the retail cost the officer or employee would incur to purchase the gift. An officer or employee who does not know the retail value of a gift shall estimate the retail value by reference to similar items of like quality.

**10.13** The value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit shall be either the face value of the ticket or the amount paid by the donor, whichever is higher.

**10.14** For the purposes of this Regulation, the value of a gift is not reduced if an officer or employee pays a donor a portion of the value of the gift.

**SUBPART F. REMEDIAL STEPS IF A PROHIBITED GIFT IS ACCEPTED**

**10.15** The Board shall not impose a civil penalty on an officer or employee who receives a gift prohibited by this Regulation if he or she within three days:

- a. Returns the gift to the donor;
- b. Pays the donor the full value of the gift; or
- c. If the gift is perishable and it is not practicable to return it to the donor, donates the gift to charity, shares it with co-workers, or destroys it; and
- d. Notifies the Board's Executive Director by postal mail or e-mail that he or she has done so and provides the following information:
  - i. The officer's or employee's name and title;
  - ii. The source of the gift;
  - iii. The date the gift was received or accepted; and
  - iv. The date the gift was returned, paid for, donated, shared, or destroyed and, if paid for, the amount paid.

***Example for 10.15:*** An auditor in the Controller's Office receives a \$300 ticket to an Eagles game from a vendor of the Office. The auditor may keep the ticket if she pays the donor \$300 for it and notifies the Board's Executive Director that she has done so.

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
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**SUBPART G. PENALTIES FOR ACCEPTANCE OF PROHIBITED GIFTS**

**10.16 Acceptance of prohibited gifts.** An officer or employee who solicits or accepts, and any person who offers or gives, a gift prohibited by this Regulation shall be subject to a civil penalty of \$1,000, which may be increased or decreased depending on the presence of mitigating and aggravating factors as follows:

- a. **Mitigating factors.** The civil penalty of \$1,000 shall be reduced by \$500 if one of the following mitigating factors is present and shall be reduced by \$750 if more than one of the following mitigating factors is present:
  - i. **Good faith effort to comply.** The violator is found to have made a good faith effort to comply with the law.
  - ii. **Prompt corrective action.** The violator is found to have taken prompt corrective action where corrective action was possible to remedy the violation.
  - iii. **Prompt self-reporting.** The violator is found to have reported promptly the violation to the Board of Ethics.
- b. **Aggravating factors.** The civil penalty of \$1,000 shall be increased by \$1,000 for each of the following aggravating factors that is present, provided that the total civil penalty that may be imposed for one violation shall not exceed \$2,000:
  - i. **Intent.** The violator is found to have acted knowingly. An act is done knowingly if done voluntarily and intentionally and not because of mistake or accident or other innocent reason.
  - ii. **Repeat violation.** The violator previously has been found by the Board of Ethics in an administrative adjudication or by a court of competent jurisdiction to have violated the same provision.
  - iii. **Obstruction of investigation.** The violator is found to have obstructed the investigation of the Board of Ethics into the same violation.

**SUBPART H. GRATUITIES ARE PROHIBITED**

**10.17** An officer or employee shall not solicit from any person, directly or indirectly, anything of value for or because of an act or omission made in the course of his or her official duties.

**10.18** An officer or employee shall not accept from any person, directly or indirectly, anything of value for or because of an act or omission made in the course of his or her official duties, except that an officer or employee may accept:

- a. Unsolicited token items worth less than \$10 such as pens, mugs, or food, but not money, provided that the annual aggregate value of such items from a single person is less than \$50;
- b. An unsolicited item from another city, county, state, or country when it would be a breach of protocol or etiquette to refuse to do so. However, if the value of the item exceeds \$10, the officer or employee may only accept it on behalf of the City; and

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
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- c. Food or beverages provided by a superior, subordinate, or other co-worker and consumed as part of an office or agency event.

*Example 1 for 10.18:* A sanitation worker may not accept a \$5 cash tip from a homeowner for collecting the homeowner's garbage.

*Example 2 for 10.18:* A firefighter rescues a cat from a tree. The firefighter may accept a batch of homemade cookies from the cat's owner.

*Example 3 for 10.18:* A City employee may enjoy an office pizza lunch that is paid for by the office supervisor.

*Example 4 for 10.18:* A restaurant owner who is extremely happy with the efficiency of an L & I Inspector's work may not, as a sign of gratitude, make a donation to a charity on behalf of the Inspector.

**10.19** The head of an agency may permit an officer or employee of that agency to receive a reward publicly offered and paid for the accomplishment of a particular task.

**10.20** If a person offers an officer or employee a gratuity prohibited by this Regulation, the officer or employee shall not suggest or request an alternative recipient, such as a charity.

**10.21 Remedial steps.** The Board shall not impose a civil penalty on an officer or employee who receives a gratuity prohibited by this Regulation if he or she within three days:

- a. Returns the gratuity to the donor; or
- b. If the gratuity is perishable and it is not practicable to return it to the donor, donates the gratuity to charity, shares it with co-workers or destroys it; and
- c. Notifies the Board's Executive Director by postal mail or e-mail that he or she has done so and provides the following information:
  - i. The officer's or employee's name and title;
  - ii. The source of the gratuity;
  - iii. The date the gratuity was received or accepted; and
  - iv. The date the gratuity was returned, donated, shared, or destroyed.

*Example for 10.21:* A vendor gives a fruit basket worth \$25 to employees in the Streets Department in gratitude for their assistance on a project. The employees may share the fruit basket with their co-workers if they notify the Board's Executive Director that they have done so.

**10.22 Penalty for acceptance of prohibited gratuities.** An officer or employee who solicits or accepts a gratuity prohibited by this Regulation shall be subject to a civil penalty of \$300.

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
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**SUBPART I. DEFINITIONS**

**10.23** As used herein, the following words and phrases shall have the meanings indicated:

- a. **Activities regulated by an agency.** Activities or conduct that the agency has been authorized by the Philadelphia Home Rule Charter, the Philadelphia Code, an Executive Order, or a Federal or State law to oversee, administer, investigate, or adjudicate.
- b. **Agency.** Any office, department, board, commission, or other entity that is part of the government of the City, including City Council.
- c. **Board.** The Board of Ethics.
- d. **Board or commission member.** A member of any City of Philadelphia board or commission established by the Philadelphia Home Rule Charter, the Philadelphia Code, or an Executive Order.
- e. **City.** City of Philadelphia.
- f. **Employee.** An employee of the City, including those serving full-time, part-time, or seasonally, and those on leaves of absence with or without pay, but not including an employee on unpaid leave to be a full-time elected officer or appointed staff representative of a City employee union.
- g. **Family member.** A parent, spouse, life partner, child, brother, sister or like relative-in-law.
- h. **Gift.** Anything of value given to, or for the benefit of, an officer or employee, unless consideration of equal or greater value is received. "Anything of value" includes any payment, subscription, advance, forbearance, loan, service, favor, or rendering or deposit of money, including the provision of food, lodging, or entertainment, but not:
  - i. Anything of value from a member of an officer's or employee's immediate family or from a relative within the third degree of consanguinity of an officer or employee or of the officer's or employee's spouse or life partner or from the spouse or life partner of any such relative;
  - ii. A political contribution otherwise reported as required by law; or
  - iii. A commercially reasonable loan made in the ordinary course of business.
- i. **Government entity.** Any agency, office, department, board, commission, authority, or other entity that is part of the United States or a state, local, or foreign government.
- j. **Gratuity.** Anything of value that is given, directly or indirectly, to or for the benefit of an officer or employee in return for an act or omission made by that officer or employee in the course of his or her official duties. "Anything of value" includes any payment, subscription, advance, forbearance, loan, service, favor, rendering or deposit of money or the provision of food, lodging, or entertainment, but does not include a political contribution otherwise reported as required by law.

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
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- k. **Life partner.** An individual who has a long-term committed relationship with another individual of any gender, provided that both individuals meet the criteria set forth in Code Section 9-1102(1)(r).
- l. **Lobbying firm.** A lobbying firm registered, or required to register, with the City pursuant to Code Chapter 20-1200.
- m. **Lobbyist.** A lobbyist registered, or required to register, with the City or an individual who engages in lobbying pursuant to Code Chapter 20-1200.
- n. **Major life event.** Marriage, separation from City employment, birth or adoption of a child, death or serious illness of a family member, 25th or 50th wedding anniversary, a ceremony celebrating a religious or cultural life cycle event such as baptism, first communion, or bar mitzvah, or a similarly rare and significant event in someone's life.
- o. **Money or monetary gifts.** Cash, checks, money orders, or the equivalent, including pre-paid debit or credit cards.
- p. **Officer.** An individual who is either elected or appointed to any position in a City agency whether paid or unpaid.
- q. **Official action.** An act taken by an officer or employee in his or her official capacity that requires discretion and is not ministerial in nature.
- r. **Person.** A business, individual, corporation, non-profit, union, association, firm, partnership, committee, political committee, club, or other organization or group of persons, but not a government entity.
- s. **Principal.** A principal registered, or required to register, with the City pursuant to Code Chapter 20-1200.
- t. **Reception.** An afternoon or evening event at which only items such as appetizers, beverages, or light fare are served or a morning event at which only items such as coffee, juice, pastries, or bagels are served.
- u. **Relative within the third degree of consanguinity.** An individual's family members and great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual.
- v. **Subordinate.** An officer or employee is the subordinate of his or her superior and of his or her superior's superiors.
- w. **Superior.** An officer or employee whose official duties include directing or evaluating the performance of an officer or employee and any superior of that officer's or employee's superior.

**PROPOSED REGULATION POSTED FOR PUBLIC COMMENT  
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Approved for public comment by Board: October 16, 2013

Public hearing held:

Adopted by Board with modifications:

Effective: