

INSTRUCTIONS FOR DISCLOSURE AS REQUIRED BY 930 CMR 5.07

RECEIPT OF A GIFT WORTH LESS THAN \$ 50

WHEN TO USE THIS DISCLOSURE FORM

You are a **state, county or municipal employee**. You have received an unsolicited **gift worth less than \$50** from a person who is not a lobbyist. You have received the gift **because you hold a public position or because you have taken action in your official position or performed your official duties**.

You must file a written disclosure under G.L. c. 268A, § 23(b)(3) if **a reasonable person**, having knowledge of the relevant circumstances, **would conclude that, because of the gift you received, you would unduly favor the giver or be improperly influenced by the giver when you perform your official duties** in your public job.

Factors to consider are:

1) Whether you will perform your official duties in relation to the giver after you receive the gift.

If you **received a gift before you will perform official duties** in relation to the giver, you should file a disclosure.

If you **performed official duties in relation to the person prior to receiving the gift and expect to do so again**, you should file the disclosure.

If you **regularly perform official duties in relation to the giver**, you should file a disclosure.

2) Whether the value of the gift would cause a reasonable person to conclude that the gift could affect the performance of your official duties.

Disclosures generally need to be made about gifts with a value **between \$10 and \$49.99**.

If a gift is **home-made and has no retail value**, or has a value of **\$10 or less**, **no disclosure is required**.

EXAMPLES

An inspector frequently inspects a developer's project and receives a gift worth \$40 from the developer. The inspector should file a disclosure because he expects to conduct future inspections.

A teacher receives a gift worth \$10 or more from a student's parent during the winter holiday season. She should file a disclosure because she will continue to teach the student for the rest of the year.

A teacher receives a gift at the end of the year after all grades have been reported and there are no longer any teaching duties to perform with respect to the student. No disclosure is required.

FILING THE DISCLOSURE

Complete the **disclosure** below.

If you are a **non-elected** state, county or municipal employee, file the disclosure with your **appointing authority**. After you file the disclosure, you do not need authorization from your appointing authority before you perform your official duties.

If you are an **elected** state, county or municipal employee, file the disclosure in a public manner as instructed at the end of the disclosure form.

If you need advice about completing the disclosure, please call the Attorney of the Day at (617) 371-9500 or e-mail the State Ethics Commission at requestadvice@massmail.state.ma.us.