



Local Restrictions

In addition to state gift laws, San Francisco law provides that:

- Lobbyists may not provide gifts that have a fair market value of more than \$25 to City officers.
- Officers and employees may not solicit or accept gifts worth more than \$25 from any person that is a "restricted source."
A restricted source means any person doing business with the official's or employee's department, or any person who in the prior 12 months knowingly attempted to influence that official or employee in any matters defined as "legislative or administrative action" under City law. A limited exception applies for nominal gifts received no more than four times per year, so long as the nominal gift is less than \$25.
- No person may make, and no official or employee may accept, any gift with the intent to influence the official or employee in the performance of any official act.
- Departments may impose additional gift restrictions on their officers or employees.
Always check with your department for additional rules that may appear in your department's Statement of Incompatible Activities.
- Officers and employees may not solicit or accept anything of value from any subordinate, employee, or any candidate or applicant for a position as an employee or subordinate under them.

Dear Elected and Appointed Officials and Department Heads:

As festivities get underway around town in connection with the 2016 NFL championship game, the Ethics Commission would like to take this opportunity to provide City officers and employees with some general reminders about state and City gift restrictions.

In general terms, a "gift" is defined as *any* payment or benefit that a public official receives or accepts for which the official does not provide goods or services of equal or greater value. A gift includes a discount or rebate unless the discount or rebate is made available to all members of the general public. Under the law, items defined as "gifts" can be limited and subject to public disclosure requirements depending on their value, source, the recipient, and the circumstances in which they are offered or given.

General Rule

In general, City officials and employees are prohibited from receiving a gift or gifts totaling more than \$460 per source in a calendar year.

- ✓ Elected officials have the broadest gift restrictions. Gifts received from any source are limited and reportable.
- ✓ For other officials and employees who are identified in their departmental Conflict of Interest Code as a "designated filer," gifts are limited and reportable if they are received from a source described as a disclosable source of income.

The Ethics Commission's website contains [a brief summary of key gift rules](#), which also appears on the reverse page of this reminder.

Common Exceptions

Under the law, there are a variety of items that are not considered gifts. These include, for example, certain informational material, personalized plaques and trophies worth less than \$250, and gifts from family members (including an official's spouse or former spouse, registered domestic partner, child or step-child, parent, grandparent, grandchild, brother, sister, current or former parent-in-law, brother- or sister-in law, and aunt, uncle, niece, nephew, among others). The application of state and city gift laws is very fact-specific, we welcome and encourage you to contact the Ethics Commission or the City Attorney's Office for guidance any time you have a question about the rules in general, or how they may apply to you in specific circumstances.

Summary of Gift Rules

These are general gift rules that apply to City officers and employees. There are a number of complicated exceptions; thus, officers and employees should ask the Ethics Commission for advice about specific circumstances. Officers and employees may be subject to stricter rules adopted by their departments. In cases where there is a discrepancy between this summary and the law, the law governs. Special rules apply to gifts given directly to the City rather than to individual employees or officers. This fact sheet does not discuss those special rules.

Who is affected?	What is the rule?
City officers and designated employees who file Statements of Economic Interests (SEIs or Form 700)	No City officer or designated employee may receive any gift(s) worth more than \$460 in a calendar year from a single source, if the source of the gift is a reportable source within the filer's disclosure category. Filers must report on Form 700 any gift(s), single or cumulative, with a fair market value of \$50 or more.
All City officers and employees See SF C&GC Code § 3.216 and EC Regulations 3.216(b)-1-6	No officer or employee may receive any gift from any person or entity that contracts or is seeking to contract with the department of the officer or employee, or with any person who during the prior 12 months knowingly attempted to influence the officer or employee in any legislative or administrative action. There are a number of exceptions to this rule, most notably: non-cash gifts worth \$25 or less, up to 4 times per year; and gifts of food or drink to be shared in office.

Who is affected?	What is the rule?
All City officers and employees See SF C&GC Code § 3.218 and Statement of Incompatible Activities for applicable department, board or commission	No officer or employee may accept or receive any gift from anyone other than the City for the performance of a specific service or act that the officer or employee is expected to render in the regular course of his or her City duties, or for advice about City processes. Exceptions include non-cash gifts worth \$25 or less per occasion; and gifts such as food and drink to be shared in office among employees.
All City officers and employees See SF C&GC Code § 3.216(c) and EC Regulation 3.216(c)-1	No officer or employee may solicit or accept any gift from any subordinate or job applicant. Exceptions include non-cash gifts of \$25 or less given on occasions on which gifts are traditionally given; food and drink to be shared in office; personal hospitality; and gifts given in recognition of an occasion of special personal significance.

Additional Resources

Please feel free to contact the Ethics Commission for further information and guidance. We're reachable by phone at 415.252.3100 and by email at ethics.commission@sfgov.org.

We also invite you to consult the following additional resources for further detailed information about state and local gift rules:

- The state's [Fair Political Practices Commission factsheet for local officials and employees](#)
- A 2012 [City Attorney's Office memorandum regarding gift rules and the distribution of event tickets and passes](#)
- The [City Attorney's Office Good Government Guide](#), which provides detailed information regarding gift restrictions beginning on page 61.