

Virginia Governor Signs Executive Order Restricting Gifts

January 2014

Within hours of being sworn into office on January 11, 2014, Virginia Governor Terry McAuliffe signed an Executive Order (EO) instituting new Executive branch gift rules. Effective immediately, the governor, Executive branch officers, Executive branch employees, and their immediate families are prohibited from:

- Soliciting anything of value from any source;
- Accepting gifts from lobbyists and lobbyist principals; and
- Accepting gifts from other sources valued at more than \$100 in the aggregate during a calendar year.
- Notably, other constitutional officers, such as the Lieutenant Governor and Attorney General, as well as several specific agencies, are exempt from the new gift rules.

There are several exceptions to these broad gift restrictions, including:

- A gift with a value of \$25 or less (which does not count toward the \$100 gift limit);
- Attendance at a widely attended event; and
- The payment or reimbursement of legitimate travel and related expenses incurred while engaging in an activity that serves a legitimate public purpose.

In order for the last two exceptions to be available, specific criteria outlined in the EO must be met.

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Finally, the EO established the Executive Branch Ethics Commission, which will consist of three gubernatorial appointees. The Executive Branch Ethics Commission is charged with implementing the new gift rules and issuing advisory opinions. Along with the heads of agencies, the Executive Branch Ethics Commission will also be responsible for enforcing the new gift rules.