

Even Ethics Officials Sometimes Ask Questions: OGE Clarifies Exception from Gift Rules

May 2015

On April 6, the Office of Government Ethics (OGE) issued an advisory to agency ethics officials on attendance at events by agency employees. The advisory was issued in response to a question from an agency ethics official.

The agency ethics official asked whether an executive branch employee that accepts an offer of free attendance at an event may also accept free attendance at a reception or meal that is offered only to other attendees that pay an additional fee. The advisory clarifies that the reception or meal would have to separately meet the requirements for an exception from the gift rules in order for the executive branch employee to attend without paying the fee.

An executive branch employee may accept free attendance at an event at which he or she is presenting information on behalf of an agency or at an event that qualifies as a "widely attended gathering." Under these exceptions, the executive branch employee may only accept food and refreshments that are provided to all attendees. Accordingly, a reception or meal open only to attendees that pay an additional fee should be separately examined to determine whether it meets the definition of a widely attended gathering or falls within another exception.

The advisory serves as a reminder that even agency ethics officials sometimes have questions about the gift rules. Navigating gift rules of any kind-much less the federal rules for career civil servants and political appointees-can be very difficult. In order to avoid the many pitfalls, remember to consult with Wiley Rein attorneys before offering anything of value to government officials or employees.

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