

MEMORANDUM

To: Christopher Barger
From: Dennis J. Quinn, Designated Agency Ethics Officer
Date: June 19, 1995

Subject: Acceptance of Gifts from an Outside Source

This is in response to your question concerning whether you could accept the two gifts presented to you by the high school students who were here last week. The gifts in question are a large photo of President John F. Kennedy and Attorney General Robert F. Kennedy, purchased for \$19.95, and a campaign button for RFK, purchased for \$20.00.

Under the Standards of Conduct, 5 U.S.C. §2635.202, a Federal employee cannot accept a gift:

- (1) from a prohibited source; or
- (2) given because of the employee's official position.

While the high school students are not a prohibited source, the gifts were given to you because of your official position. While there are several exemptions and exceptions to the gift rule, the items in this case do not fit any of them.

Section 2635.204 allows the acceptance of gifts with a market value of \$20.00 or less, but the rule applies to gifts with an aggregate market value of \$20 or less per occasion. Since the two gifts have an aggregate market value of \$39.95 and were presented on a single occasion, this exception does not apply. However, the rule does permit an "employee to decline any distinct and separate item in order to accept those items aggregating \$20 or less."

Since each item is valued at \$20 or less, you are permitted to keep one, but not both of the items presented to you.

cc: David G. Marwell
File No. 3.1.6