



Statutory Language Options

Hybrid Gift – Definition Work and Factors

Gifts

“Gift” means something of monetary value given to a public employee, public officer, or someone to whom they have a commitment in a private capacity without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public employees, public officers, or someone to whom they have a commitment in a private capacity or for valuable consideration less than that required from others who are not public employees or officers.

The term excludes the following:

- (1) Modest items of food and refreshments, such as soft drinks, coffee, and donuts, offered other than as part of a meal;
- (2) Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended primarily for presentation;
- (3) Loans from banks and other financial institutions on terms generally available to the public;
- (4) Opportunities and benefits, including favorable rates, commercial discounts, and free attendance or participation available to the public
- (5) Rewards and prizes given to competitors in contests or events, including random drawings, open to the public;
- (6) Free attendance to an event:
 - i. If the event primarily provides educational information clearly related to the public officer’s or employee’s public duties;
 - ii. If the public officer’s or employee’s attendance at an event is clearly for ceremonial purposes; or
 - iii. If the attendance offered to the public officer or employee is broadly available to the public and media in duration and scope.

NRS 281A.400(1) 1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

(a) When determining if a gift under this section "would tend improperly to influence a reasonable person to depart from the faithful and impartial discharge of the public officer's or employee's public duties" the Commission may consider:

- I. Whether or not the giver of the gift is an individual with a substantial interest in the legislative, administrative, or other government action of the public officer or employee.
- II. The monetary value of the gift;
- III. The ability of the public officer or employee to make official decisions regarding the individual or entity providing the gift;
- IV. Any existing relationship between the giver and public officer or employee not related to their position as a public officer or employee;
- V. The language used in the offering of the gift by the gift giver;