

Good Afternoon, Everyone!

Don't let this be you:

A government employee who accepted free tee-time golf games and meals from a vendor had to explain his actions in Federal court after a tipster informed investigators. Authorities learned that the employee, who managed delivery vehicle operations, had played golf with a vendor who was involved in a \$100 million procurement with agency. Investigators discovered that over the course of the previous year, the employee had also accepted approximately \$2,000 in non-cash items (including meals and golf fees) from the vendor. The employee pled guilty to bribery and was sentenced to one year unsupervised probation and a \$1,000 fine. For this employee, golf and a few "free" meals turned out to be very expensive.

Making proper ethical decisions is vital to maintaining your government career, as well as to the integrity of the United States. Even a seemingly minor issue, such as receiving a free lunch, has the potential to harm the image of the United States Government and the unwary employee is exposing himself to disciplinary actions. In many circumstances, a meal is a gift that should be politely declined.

You may not use your official position for personal gain. For example, a restaurant is raffling free lunch for the winner's office. A government employee drops her business card in the raffle box. She is unlawfully soliciting a gift using her job position. Additionally, she is exposing her office to unauthorized publicity because, if she wins, the restaurant will likely use the event as an opportunity to advertise their business in the newspaper or on the evening news. Such advertising gives the perception that the government endorses that particular restaurant or product. This is prohibited.

You may not accept a free meal under circumstances that might be construed by reasonable persons as influencing the performance of your duties. For example, a pharmaceutical distributor invites government hospital employees to discuss business over dinner. Such behavior could be perceived as a business tactic to persuade the hospital to deal favorably with that distributor. Even if the distributor and employees have innocent intentions, the employees must decline the free meal to prevent the impression that their decisions are for sale.*

There are exceptions to the general rule prohibiting acceptance of a free meal. You may accept a free meal given under circumstances which make it clear that it is a gift motivated by a family relationship or personal friendship. Also, a meal worth \$20 or less is acceptable so long as no one donor exceeds \$50 in a year. Additionally, you may participate in a program offered to the public, such as consumer discount coupons.

Exercising any of the exceptions is not appropriate if: you are influenced by the gift in the performance of an official act; you request or coerce the gift; gifts occur so frequently that they appear improper; or, acceptance violates any other applicable statute.

For example, a JAG officer's client offers to buy him lunch as an expression of gratitude for the excellent legal services rendered. Even if the meal satisfies the under-\$20 exception, the meal is compensation for services the JAG officer performs as a government employee. Despite meeting the \$20 exception, the JAG officer may not accept the lunch.

You may contact my office or your organization's ethics counselor and get a legal opinion about whether or not you can accept a free meal that has been offered to you. The point of contact at my office is Mr. Jason Smith, who can be reached via email at jason.bowers.smith@us.army.mil.

Bottom Line: Do not accept free meals if acceptance would reflect unfavorably on the ability of the Government to carry out any responsibility or duty in a fair and objective manner. If you have a question, ask your ethics counselor.

Have a happy and ethical day!

*Ellen Kuszmaul Fujawa, *Do Look a Gift Horse in the Mouth if you Want to Keep your Career*, ARMY LAW., Apr. 1993, at 6.

LTC Noël L. Woodward

SJA, USAG, Fort Belvoir

9990 Belvoir Drive

Fort Belvoir, VA 22060-6107

noel.woodward@us.army.mil

Office Phone: (703) 805-4399 DSN 655-4399

Fax: (703) 805- 3263