

PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION

ADMINISTRACION DE ASUNTOS FEDERALES DE PUERTO RICO

REGULATION NUMBER 9

Gift Regulations

ORDEN ADMINISTRATIVA 09-06

ENMIENDA AL "PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION
(PRFAA) SPONSORSHIP AND DONATION REGULATIONS"

DE

LA ADMINISTRACIÓN DE ASUNTOS FEDERALES DE PUERTO RICO

Por la presente se enmienda el Reglamento de la Administración de Asuntos Federales de Puerto Rico, "PRFAA GIFT REGULATIONS" de 9 de septiembre de 2002, a esta fecha vigente, a los fines de que se identifique en su primera página como Reglamento Número 9 de la Administración de Asuntos Federales de Puerto Rico.

A dichos fines la primera página de este Reglamento deberá leer, como sigue:

Regulation Number 9

(Reglamento Número 9)

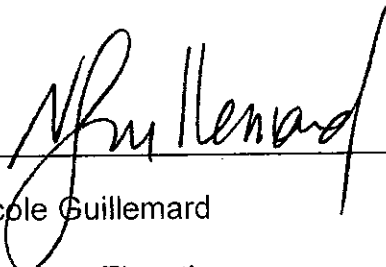
Puerto Rico Federal Affairs Administration

(Administración de Asuntos Federales de Puerto Rico)

"PRFAA GIFT REGULATIONS"

(Reglamento de PRFAA sobre Regalos)

Esta Enmienda al "PRFAA GIFT REGULATIONS", será efectiva desde hoy, 17 de diciembre de 2009.



Nicole Guillemard
Directora Ejecutiva

Regulation Number 9

(Reglamento Número 9)

Puerto Rico Federal Affairs Administration

(Administración de Asuntos Federales de Puerto Rico)

“PRFAA GIFT REGULATIONS”

(Reglamento de PRFAA sobre Regalos)

PRFAA GIFT REGULATIONS

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1. (A) Except as provided by these Regulations, no official or employee of the Puerto Rico Federal Affairs Administration shall solicit or accept, directly or indirectly, from any person or entity whatsoever, for themselves, any member of their family unit or any other person, any gifts, or anything else of monetary value from a person who:

1. Has or is trying to obtain a contractual, commercial or financial relationship with PRFAA; and/or
2. Have interests that could be affected substantially by the fulfillment or non-fulfillment of the official or employee's official duties.

(B) For the purposes of these regulations, the term "gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gift of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

2. In accordance with Article 11, Section B of The Puerto Rico Office of Government Ethics Regulations, the restrictions in Paragraph 1 (A) shall not apply to the following:

(A) A gift accepted by an official or employee of PRFAA on his own behalf or on behalf of a member of his or her family unit (other than cash or cash equivalent) that the official or employee reasonably and in good faith believes to have a value of less than \$25.00, and a cumulative value from one source during a calendar year of less than \$50.00. Cumulative value shall include gifts to the official or employee plus gifts to any member of his or her family unit.

(B) Anything for which the official or employee pays the market value, or does not use and promptly returns to the donor.

(C) A gift from a relative.

(D) Informational materials that are sent to PRFAA or the individual in the form of books, articles, periodicals, other written

materials, audiotapes, videotapes, cd-roms, digital audio tapes, or other forms of communications.

(E) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(F) Food and refreshments of nominal value offered other than as part of a meal.

(G) Inheritances and other transfers at death.

(H) Discounts provided by vendors to all government employees.

3. (A) Except as provided by these Regulations, no official or employee of PRFAA shall knowingly accept a personal gift as defined in Paragraph 1(B) of these regulations from any other person or entity.

(B) The restrictions on Paragraph 3 (A) shall not apply to the following:

- (1) Anything for which the official or employee pays market value, or does not use and promptly returns to the donor.
- (2) Anything that is paid for by the Federal Government, by a State or local government, by the Government of the Commonwealth of Puerto Rico or secured by the Government under a Government contract.
- (3) Anything provided by the individual on the basis of personal or family relationship unless the official or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the official or employee and not because of the personal or family relationship.
- (4) Any food or refreshments that the official or employee believes to have value of \$25.00 or less.
- (5) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

- (6) Informational materials that are sent to PRFAA in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, cd-roms, digital audio tapes, or other forms of communications.
- (7) Awards and prizes that are given to competitors in contests or events open to the public, including random drawings.
- (8) Discounts provided by vendors to all government employees.
- (9) Honorary degrees and other bona-fide, non-monetary awards and associated travel, food, refreshments and entertainment presented in recognition of public service.
- (10) Items of little intrinsic value such as a greeting card, baseball cap or t-shirt.
- (11) Training (including food and refreshments furnished to all attendees or providers as an integral part of the training) provided to or by the official or employee, if such training is in the interest of PRFAA.
- (12) Inheritances and other transfers at death.
- (13) Free attendance at a widely attended event pursuant to Paragraph 3 (B) 15.
- (14) Opportunities and benefits that are:
 - i. Available to the public or under terms and conditions that are normal in the industry. (i.e. bank loans, mortgages)
 - ii. Scholarships and other similar forms of economic assistance incidental to the education or training of the official or employee in their free time and at their own initiative.
 - iii. Offered to, members of an organization, such as E.L.A. employees' organizations, in which membership is related to their work as governmental employees.
 - iv. In the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.
 - v. A plaque, trophy or other personalized memento.

vi. Anything for which, in an unusual case, a waiver is granted by the PRFAA ethics committee as being in the best interest of the agency.

(15) Except as prohibited by paragraph 1, an official or employee of PRFAA may accept an offer of free attendance at a widely attended event, provided by the sponsor of the event if

- vii. Attendance to the event is appropriate to the performance of the official duties or representative function of the official or employee, and
- viii. Attendance at the event is ethically and morally appropriate.

(16) An official or employee who attends an event described in section 15 may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual or individuals if others in attendance will generally be similarly accompanied or if such attendance is appropriate.

4. Notwithstanding the above, no official or public employee shall accept gifts or any other compensation of monetary value under circumstances in which such acceptance could result in, or create the reasonable impression of conflict of interest with his or her obligations as a public servant.

5. It is the responsibility of each PRFAA official or employee to comply with these regulations and to consult with PRFAA's Legal Division or Ethics Committee before deciding whether to accept a gift.

6. Violations of these regulations will be reported to the Office of Government Ethics and may result in sanctions, such as dismissal, fines, or jail sentences.

7. Effective Date & Amendments

This regulation will be effective immediately upon signature by the Executive Director. This regulation supersedes any other regulation previously written regarding gifts. This regulation will be amended or supplemented at the Executive Director's discretion. Any amendments or supplements will be made in writing and signed by the Executive Director.

Approved today, September 11, 2002.


Mari Carmen Aponte, Esq.
Executive Director