

CAUTION: The following advice may be based on a rule that has been revised since the opinion was first issued. Consequently, the analysis reflected in the opinion may be outdated.

Gifts to the State

Several private moving firms offered to assist the Governor and his wife in moving to the Governor's Residence at no charge either to the State or to the Governor personally. SEC regarded the offer by the firms as a gift to the State and not to the Governor personally although it noted that state officers should not accept gifts or favors that would give rise to an appearance of impropriety.

1989 Advisory Opinion
#89-1

No. 1 Gifts to the State

FACT SITUATION

Several private moving firms offered to assist the Governor and his wife in moving to the Governor's Residence, and offered to do so at no charge either to the state of Indiana or to the Governor personally. The Department of Administration would have provided workers to handle the move. Having viewed the offer from the private firm as an opportunity to save the taxpayers the expense of the move, the offer from the private moving firm was accepted. The private moving company that did move the Governor does not have any contracts with the State of Indiana, and does not expect to receive any such contracts. Subsequent to the arrangements with the private moving firm, the Department of Administration was directed not to enter into any contracts for State business with the moving firm during the Governor's term as Governor.

QUESTION

Whether, in the Commission's view, the gift of the moving firm's services benefited the State of Indiana rather than the Governor personally, and whether any further action should be taken concerning this matter.

OPINION

The members of the Commission regarded the moving of the Governor to the Governor's residence as a gift to the State and not to the Governor personally.

The members of the Commission recommended that wherever possible the State, its officers, and employees should pay their own way, and no gifts or favors should be accepted that would give rise to an appearance of impropriety.

(The gift section of the Code (40 IAC 2-1-6) does not apply to state officers.)

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