

State of Vermont
Agency of Natural Resources
Department of Environmental Conservation

Financial Process:	DEC Policy for Acceptance of Gifts, Donations or Small Grants under \$5,000	Issue Date:	January 2019
		Number:	19 - 02
Topic:	Internal Control	Effective Date:	01/01/19
Applicable To:	Department of Environmental Conservation	Page:	1 of 4
Prepared / Revised by:	Tracy LaFrance	Revision Date:	

Policy Objective

The objective of this Policy is to ensure that in the acceptance of gifts, donations or small grants under \$5,000 that DEC maintains compliance with EXECUTIVE ORDER NO. 19-17 [Executive Code of Ethics].

Excerpt:

WHEREAS, it is essential to the proper operation of government that public officers be principled and impartial; that governmental decisions and policy be made fairly and impartially on the merits of the matter at issue; that public office not be used for private gain other than the remuneration provided by law; and that there be public confidence in the integrity of government; and

*WHEREAS, there is a risk that the attainment of one or more of these ends may be impaired whenever a conflict exists between the private interests of a public officer and his or her official responsibilities; and
An Appointee must conduct the affairs of their office in such a manner as to instill public trust and confidence in the integrity of State government. Further, Appointees have a responsibility to act as examples and set a civil and respectful tone in the public discourse.*

Appointees shall take all reasonable steps to avoid any action or circumstances, including acts or circumstances which may not be specifically prohibited by this Code, which might result in:

- (1) Undermining his or her independence or impartiality or action;*
- (2) Taking official action based on unfair considerations;*

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- (3) Giving preferential treatment to any private interest or Private Entity based on unfair considerations;*
- (4) Giving preferential treatment to any family member or member of the Appointee's household;*
- (5) Using public office for the advancement of personal interest;*
- (6) Using public office to secure special privileges or exemptions;*
- (5) An Appointee, while in State employ, shall not solicit or receive any payment, gift or favor based on any understanding which may be reasonably implied by the Appointee or inferred by the donor, that it may influence any official action.*
- (6) An Appointee shall not solicit or receive any payment, gift or favor from any private interest or Private Entity which has, or seeks to obtain, contractual or other business or financial relationships with the Appointee's Public Body; conducts business or activities that are regulated by the Appointee's Public Body; or has an interest that may be substantially affected by the Appointee's official actions.*
- (7) An Appointee, or his or her designee, shall not accept gifts or trips from private interests or Private Entities if the gifts or trips (i) are a quid pro quo; (ii) are intended to influence any decision by the Appointee; or (iii) create an appearance of a Conflict of Interest.*

Definitions:

"Appearance of a Conflict of Interest" means the impression that a reasonable person might have, after full disclosure of the facts, that an Appointee's judgment might be significantly influenced by outside interests, even though there may be no actual Conflict of Interest.

"Conflict of Interest" means a significant interest of an Appointee or such an interest, known to the Appointee, of a member of his or her immediate family or household, or of a business associate, in the outcome of a particular matter pending before the Appointee or his or her Public Body. "Conflict of Interest" does not include any interest that (i) is no greater than that of other persons generally affected by the outcome of a matter (such as a policyholder in an insurance company or a depositor in a bank), or (ii) has been disclosed to the Secretary and found not to be significant.

"Executive Officer" means an agency secretary or deputy or a department commissioner or deputy.

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"Full-time Appointee" means any Appointee receiving a full-time salary for State service.

"Private Entity" is any person, corporation, partnership, joint venture or association, whether organized for profit or not for profit, except those specifically chartered by the State of Vermont or which relies upon taxes for at least fifty percent (50%) of its revenues.

"Public Body" means any State agency, department, division or office and any board or commission of any such entity or any independent board or commission in the executive branch of the State.

Guidelines:

The following guidelines generally apply based on the category that the gift, donation or grant falls into as detailed below and must be reviewed and authorized on a case by case basis. It is DEC Policy that if we are in active litigation, we will not accept any gifts, donations or grants from the entity we are in active litigation with in order to avoid the appearance of a conflict of interest.

If we are not receiving anything of value directly then this policy does not apply. (Examples: Brewery Day – a third party connected to the event offers to book and pay for the venue where it is being held. Or another entity offers and pays to have the brochures/materials printed up. DEC is receiving anything directly even though we are benefiting from it).

Category 1 – a nominal gift or donation with a value of less than \$5000 (Example: entity provides sporks to AmeriCorps members worth \$5 each for total of less than \$500 value)

- Completion of a Donation Form is required
- Pre-screening through SAM.gov, DEC Debarment List is required
- Commissioner signs form for gifts or fees paid over \$500; \$500 or less no signature required

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Category 2 - partnering, sponsoring, or paying an exhibitor fee at a DEC event

- Completion of a Donation Form is required
 - Form must be accompanied by info about the event
- Pre-screening through SAM.gov, DEC Debarment List is required
- Commissioner signs form for gifts or fees paid over \$500; \$500 or less no signature required

Category 3 - a grant or a contract; any value - needs to go through AID

- Completion of a Grants-In Form and submit to DEC Financial Operations
 - If value is over \$5,000, must complete the AA-1 form
- Pre-screening through SAM.gov, DEC Debarment List is required

Impacted Departments or Divisions

All Divisions within the Department of Environmental Conservation, to include, Commissioners Office, Administration and Innovation Division, Environmental Compliance Division,, Air Quality and Climate Division, Waste Management and Prevention Division, Watershed Management Division, Groundwater and Drinking Water Division and the Facilities Engineering Division.

Effective Date of Policy is 1/1/2019

Approved by:

Commissioner, DEC

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Notices

- These procedures are intended to support the Agency of Natural Resources internal control environment.
- In consideration of these procedures, the objective should be on adherence and not on rationalizing ways and means for circumvention.
- Nothing in this document shall limit or supersede any applicable Federal or State laws, statutes, bulletins, or regulations.