

Advisory Opinion 2010-1
Response to a Request for an Advisory Opinion
from Representative John B. Hunt
(May 17, 2010)

Please Note: For clarity, references to and excerpts from provisions of statutes or the Ethics Guidelines have been updated to conform to subsequent changes in numbering and language, where the changes have not affected the substance of the Opinion.

Representative Hunt has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, it would be permissible for him to accept a prize he won at a raffle conducted at an event to which he was invited as a legislator, and attended in that capacity.

According to the facts supplied by Rep. Hunt and other facts elicited by the Committee, the event was the 8th Annual St. Patrick's Day Roast, sponsored by a lobbying group for the benefit of a charitable hospital. The event was attended by legislators and others. Legislators were invited to attend admission free, through notices published in legislative Calendars. Members of the public attending the event were charged an admission fee.

At the event, raffle tickets were offered to all attendees, at a separate charge of \$5.00 each. Raffle prizes had been donated by various sponsors. All proceeds of the raffle were donated to the charitable beneficiary. Raffle ticket purchase was optional. Rep. Hunt purchased a ticket and, at the drawing, won a computer valued at \$300.00.

The Committee responds as follows.

Relevant provisions of statute and the Ethics Guidelines are:

RSA 14-C:3, III which provides in part: "III. It shall be unlawful for any legislator or legislative employee to solicit or to knowingly accept, directly or indirectly, any gift, as defined in this chapter, or to fail to meet the reporting requirements of this chapter."

RSA 14-C:2, IV(a)(2) which includes in the definition of "gift," "(2) Any other tangible thing, intangible thing, service, or the use thereof having an individual value of greater than \$50."

Ethics Guidelines, Section 3, Prohibited Activities, Paragraph II, which states in part: "Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value***(g) In violation of RSA 14-C."

The Committee advises that under the specific circumstances of this case, the raffle prize won by Rep. Hunt is not a prohibited gift. He paid substantial consideration to participate in the raffle in which participation was optional and open to all attendees,

legislators and non-legislators alike, on the same basis. The raffle was conducted for the benefit of a charitable beneficiary in accordance with RSA 287-A.

While the free admission to the event accorded to Rep. Hunt by the sponsors was not a prohibited gift pursuant to RSA 14-C:2, IV(b)(9)(D), that fact does not determine whether a prize from a raffle conducted at the event is not a prohibited gift. Rather, the Committee has previously interpreted the relevant statutes as prohibiting legislators' acceptance of "door prizes" having significant economic value, awarded by lot or otherwise at such events. See *Interpretive Ruling 2007-1* (October 29, 2007), Issue C. In context, that ruling assumed that eligibility for a door prize was part of a free or reduced price admission accorded to legislators, which does not appear to be the case here.

To be clear, the Committee's conclusion here is based on the following facts:

- (1) The raffle in question was open to all attendees at the event, legislators and non-legislators alike;
- (2) Participation in the raffle was optional, and separate substantial consideration was required of all participants, at the same price;
- (3) The raffle was conducted in accordance with RSA 287-A.

We appreciate the opportunity to be of assistance.

Martin L. Gross, Chairman
For the Committee