



Close Personal Friendship

In general, neither an official in the legislative branch or executive branch nor their immediately family may solicit or accept a gift from an employer of a lobbyist or lobbyist. However, an exception to the gift ban allows officials and their family to accept gifts that are given for a non-business purpose and motivated by close personal friendship to the extent that the gifts are specifically defined and authorized by the Rules of the Ethics Commission. See, T.C.A. § 3-6-305(b)(3) and Tenn. Comp. R. & Regs. 0508-01-05-.04.

The Rules of the Commission state that the Commission may consider the following factors when determining if a gift is based on a close personal friendship:

- Whether a lobbyist or an employer of a lobbyist paid for the gift out of their own funds or whether the gift is instead being paid for out of the lobbyist's business account or by an employer of the lobbyist.
- Whether the cost of the gift is taken as a business deduction by the lobbyist or employer of the lobbyist.
- Whether there has been a history of gift giving between the lobbyist or the employer of a lobbyist and the executive branch employee or his or her immediate family; and the nature of previous gift giving.
- Whether the executive branch employee or immediate family member has reciprocated with a gift to the lobbyist or the employer of the lobbyist in the past, and whether the gift has been of similar value.
- Whether the lobbyist or the employer of a lobbyist provides the same or similar items to other executive branch employees or their immediate families at the same time, who are not close personal friends.
- Whether the timing and circumstances of the gift are appropriate; whether a lobbyist or an employer of a lobbyist has a matter that is currently before the executive branch official.
- In the case of a gift given by an individual who works for an employer of a lobbyist, whether the gift-giver is involved in lobbying activities on behalf of the employer.