

# **GIFTS POLICY**

## **Pertinent Sections of the Law and Regulations**

### ***Regulation 11-12 D. Professional Conduct.***

*(2) An architect or firm shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect or firm is interested.*

### **Commentary**

The key phrases of this regulation are “intent of influencing” and “a project in which the architect or firm is interested.” If it can be reasonably inferred that the purpose of a gift is to influence selection for a future project, a project which is being considered by that client at the time of the gift, then that gift is not permissible under the Code of Professional Conduct. However, if a future project is not being considered at the time of a gift-giving but that project arises at a later date, the registrant or firm may not be in violation of this regulation should they pursue and be awarded said project. Registrants should use good judgment, and should review the Architects Practice Act, regulation, and board policies. If the issue is still unclear, the registrant may submit the inquiry to the Board administrator.

1. A gift is defined as money, property, services, discounts, rebates, loan forgiveness or anything of value if equal or greater value is not given in return.
2. An architect, firm, corporation, professional association/corporation or partnership may give gifts as a matter of doing business so long as the gift is not given with the intent to receive compensation, in the form of future project or contract for services, in the foreseeable future.
3. A fee arrangement submitted in a proposal for a study, pre-design, or preliminary design service, when future opportunities for additional work on the project are also available to the registrant, may be considered a gift unless the value of that arrangement is consistent and representative of the real cost of the study, pre-design or preliminary design services to be performed.

## Frequently Asked Questions

1. Is it acceptable to give Christmas gifts to existing clients?

A. *Yes, as long the gifts are of “nominal value.”*

2. Is there a monetary limit to the value of the gifts?

A. *No. One has to use his or her own judgment on what constitutes a “nominal value” gift. As a guide, the board would likely consider gifts such as weekend at a beach house or trips to vacations spots or conventions as more than nominal.*

3. Can an architect or firm entertain a specific prospective client to discuss the firm’s services, expertise, and how they might be able to provide the client with design work in the future, such as taking a client to dinner? Is that a gift?

A. *Yes.*