

## **Instructions Regarding the Gift Disclosure Statement For Use By Public Officials and Public Employees**

- 1. Who should file this Gift Disclosure Statement?** Every member of the Pokagon Band Tribal Council that Solicits or Accepts a Gift from any Prohibited Source with a Market Value greater than \$25.00. Also, every Public Official or Public Employee that received a Gift and donated such Gift to the Band or an established charity.
  
- 2. Definitions.**
  - A. Gift. An item of monetary value, including money in any form, gratuity, benefit, forbearance, favor, discount, subscription, economic opportunity, or service.
  - B. Immediate Family. Includes spouse or life-partner; children and grandchildren; foster children and foster grandchildren; parents and grandparents; siblings; aunts, uncles, nieces, and nephews; residents of the household of a Public Official or Public Employee; any person claimed as a dependent on the Public Official's or Public Employee's most recent tax return; sister-in-law, brother-in-law, son-in-law, and daughter-in-law; and persons related to the Public Official's or Public Employee's spouse or life partner as described herein.
  - C. Market Value. The most probable price in cash or in terms equivalent to cash, for which the property or substantially identical property, should sell through a fair sale in a competitive market.
  - D. Official Action. An action taken or decision made by a Public Official or Public Employee in the fulfillment of his or her Official Duties in a manner that is prescribed or permitted under Pokagon Band law or policy.
  - E. Official Duties. Duties and responsibilities that are required or authorized as part of a person's position as a Public Official or Public Employee.
  - F. Prohibited Source. Any person who is seeking Official Action; does business or seeks to do business; conducts activities that are regulated, controlled, or overseen by the Governing Body; or has interests that may be substantially affected by the performance or nonperformance of the Public Official's or Public Employee's Official Duties.
  - G. Public Official. Any person holding an Elective Office or Appointed Office, including without limitation, members of the Tribal Council, Elders Council, Salary Commission, and boards, commissions, authorities, committees, and agencies of the Band, and such other positions as designated by resolution of the Tribal Council.
  - H. Public Employee. Any person employed by the Pokagon Band in any capacity, excluding independent contractors and volunteers.
  - I. Solicit or Accept. Any effort to seek a Gift or any receipt of a Gift, whether directly received or indirectly received through an Immediate Family Member.
  - J. Tribal Entity. Any corporation, limited liability company, chartered enterprise, whether wholly or partly owned by the Band, and any partnership, joint venture, or other entity in which the Band, directly or indirectly, has management authority.

3. **When to file.** Public Officials and Public Employees must file a Gift Disclosure Statement within 30 days from the date a Gift is received.

**Where to file.** Gift Disclosure Statements must be filed by U.S. mail with the Ethics Board Office c/o Mark Herman, Magyar Law Office PC, 107 Pennsylvania Ave., Dowagiac, MI 49047. Please note that at this time, the Ethics Board does not have a physical office and Mark Herman, Magyar Law Office PC is serving in the role of legal advisor for the Ethics Board and accepting material to be filed with the Ethics Board. Mark Herman, Magyar Law Office PC can only receive your material, it cannot offer any advice about the Ethics Code, provide any forms, review your filing, etc. If you have any questions about the Ethics Code or need any forms from the Ethics Board, please contact the Ethics Board at [ethics.board@pokagonband-nsn.gov](mailto:ethics.board@pokagonband-nsn.gov) or (269) 462-4286.

4. **Instructions for completing the Gift Disclosure Statement.**

A filer must provide the following information on his or her gifts disclosure statement:

- (a) Donor. List the name of each person, entity, or organization from whom, or on behalf of whom, a gift was received.
- (b) Relationship to Donor.
- (c) Description of gift. A description of the gift you received.
- (d) Date received. The date each gift was received.
- (e) Gift's Market Value. Your estimate of the Gift's Market Value.
- (f) Whether Gift was retained or donated. Indicate whether you retained the Gift, or donated the Gift to the Band or an established charity. If you donated the Gift, indicate to whom you donated the Gift and attach a copy of the receipt from the Band or charity that received the Gift.
- (g) Personal Receipt or receipt by a member of your Immediate Family. Indicate whether you personally received the Gift or whether the Gift was provided to a member of your Immediate Family.

5. **Failure to File.** Failure to file a Gift Disclosure Statement as required by the Pokagon Band Ethics Code constitutes a violation of Pokagon Band law. Violations of the Pokagon Band Ethics Code may result in a reprimand, restitution, a fine of up to a \$1,000 for each violation, and/or the Ethics Board may also bar a Prohibited Source from contracting with the Pokagon Band or any Tribal Entity for up to 3 years.

6. **Public Records.** Gift Disclosure Statements filed with the Ethics Board and the information contained therein are not considered confidential and, therefore, are subject to disclosure in accordance with applicable law.

7. **Questions?** If you need to contact the Pokagon Band Ethics Board, you may reach the Board either by email at [ethics.board@pokagonband-nsn.gov](mailto:ethics.board@pokagonband-nsn.gov) or by telephone at (269) 462-4286.

**POKAGON BAND ETHICS BOARD  
GIFT DISCLOSURE STATEMENT**

<b>First Name, Middle Initial, Last Name</b>	<b>Position</b>	<b>Department, Board, Committee, or Commission</b>
<b>Phone</b>	<b>Mailing Address</b>	<b>Email Address</b>

<b>Donor</b>
<b>Description of Gift</b>
<b>Date Gift Received</b>
<b>Market Value of Gift</b>
<b>Did you donate the Gift? (If yes, list the recipient and whether it is an established charity, and attach a copy of the receipt.)</b>
<b>Did you personally receive the Gift or was the Gift provided to a member of your Immediate Family?</b>

\_\_\_\_\_ Check here if you have attached additional sheets.

**CERTIFICATION**

I hereby certify that the information disclosed on this Gift Disclosure Statement is true, correct, and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Received by the Pokagon Band Ethics Board on \_\_\_\_\_ by \_\_\_\_\_.  
Date Print Name