

Instructions Regarding the Gift Disclosure Statement For Use By Prohibited Sources

- 1. Who should file this Gift Disclosure Statement?** Every Prohibited Source (excluding the federal government, state or local governments, and any agencies or instrumentalities thereof) that gives a Gift with a Fair Market Value in excess of \$50.00 to the Band, a Tribal Entity, or any Public Official or Public Employee, provided that at the time the Gift is given the Prohibited Source has a contract with the Band or a Tribal Entity with a value in excess of \$50,000 per annum.

- 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.** Prohibited Sources must file a Gift Disclosure Statement within 30 days from the date a Gift is given.

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 currently serving in the role of legal advisor and is 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 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 Name. List the name of the person, entity, or organization giving the gift.
- (b) To Whom was the Gift provided? Identify whether the Gift was provided to the Band, a Tribal Entity, a Public Official or Public Employee. If the Gift was provided to a Public Official or Public Employee, provide his or her name.
- (c) Description of gift. A description of the Gift.
- (d) Date received. The date the Gift was given.
- (e) Gift's Market Value. Your estimate of the Gift's Market Value.

5. **Failure to File.** Failure of a Prohibited Source 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 or by telephone at (269) 462-4286.

**POKAGON BAND ETHICS BOARD
GIFT DISCLOSURE STATEMENT**

First Name, Middle Initial, Last Name	Title	Entity Name
Phone	Mailing Address	Email Address
Do you have a contract with the Band or a Tribal Entity with a value in excess of \$50,000 per annum?		

Donor Name
To Whom was the Gift provided (the Band, Tribal Entity, Public Official or Public Employee)? If provided to Public Official or Public Employee, provide his or her name.
Description of Gift
Date Gift Given
Market Value of Gift

_____ Check here if you have attached additional sheets.

CERTIFICATION

Pokagon Band Ethics Board
Gift Disclosure Statement for Prohibited Sources
Revised: 9/23/13

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