

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 02-5

January 25 2002

RE: May an employee of the Department for Technical Education accept travel expenses to attend an advisory council meeting sponsored by an organization that does business with the Department?

DECISION: No.

This opinion is in response to your December 18, 2001, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the January 25, 2002, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. The Division Director of Administrative Services within the Department for Technical Education (the "Department") serves on an advisory council for curriculum development for Cisco, Inc. ("Cisco"). Cisco sells equipment to the Department for use in the Department's area technology centers and also performs maintenance services on the equipment. Additionally, Cisco provides curriculum development services at no cost to the Department. Cisco sponsors a bi-annual meeting for members of the advisory council and has offered to pay the expenses of the Division Director to attend the out-of-state meeting. The Division Director does not participate in decisions regarding purchases of equipment. Individuals at the area technology centers make decisions regarding purchases. You ask whether the Division Director may accept travel expenses from Cisco to attend the bi-annual advisory council meeting.

KRS 11A.045(1), regarding the acceptance of travel expenses from vendors, states the following:

- (1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar

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year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

Even though the Division Director does not participate in purchasing decisions of the area technology centers, the law is clear in not allowing him, as an employee of the Department, to accept such travel expenses from Cisco. See Advisory Opinion 00-61. Additionally, it appears that some individuals involved in the purchasing of equipment may be under the Division Director's ultimate supervision, and thus an exception to the law could not be granted.

The Commission takes note that the curriculum development services are provided by Cisco at no additional charge to the Department. The Commission assumes that this benefit is a part of the agreement between Cisco and Department for the purchase of equipment and maintenance services. Otherwise the Department would be prohibited from accepting the free service from Cisco, a vendor of the Department.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Cynthia C. Stone, Esq.

Enclosure: Advisory Opinion 00-61