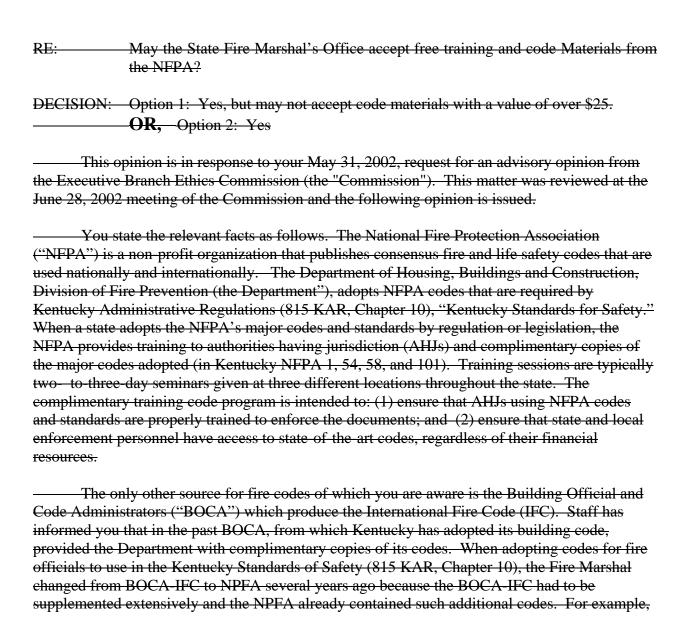
## EXECUTIVE BRANCH ETHICS COMMISSION ADVISORY OPINION 02-31 June 28, 2002



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the BOCA IFC does not contain life safety provisions and does not cover nursing homes or hospitals. You ask whether the State Fire Marshal's Office, which operates under the Department may accept free training and code materials from the NFPA. KRS 11A.045(1) provides: (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 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. OPTION 1 It is the Commission's understanding that once a state adopts a code as mandatory, the organization responsible for the development of that code benefits from the sale of specific code books. Although the Commission acknowledges that state regulations require the adoption of certain fire codes, and thus no decisions are being made as to the adoption of those codes, other fire codes are adopted for which there is competition from other organizations, such as BOCA. Thus, although the Commission believes that Department employees may accept free training from the NFPA, provided others attending the training are not charged a fee (See Advisory Opinion 00-63), the Department may not accept free code books from the NFPA if the value of the books exceeds \$25. Such acceptance by the agency may affect the independence of

the Department in its decisions regarding the adoption of fire codes.

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#### **OPTION 2 (STYLED AS AN EXCEPTION)**

Enclosure: Advisory Opinion 00-63

organization responsible for the developmer books. Although the Commission acknowle	g that once a state adopts a code as mandatory, the at of that code benefits from the sale of specific code edges that state regulations require the adoption of being made as to the adoption of those codes, it which there is competition from BOCA.
training from the NFPA, provided others attended Advisory Opinion 00–63), the law does not attended the NFPA if the value of the books exceeds exist and the Commission grants an exception of the code books because it with the acceptance of the code books because it with the acceptance of the code books because it with the acceptance of the code books because it with the acceptance of the code books because it with the acceptance of the code books because it with the acceptance of the code books because it with the acceptance of the code books because it with the acceptance of the code books because it with the acceptance of the code books because it with the acceptance of the code books because it with the acceptance of the code books because it with the acceptance of the code books because it with the code books because it w	eves that Department employees may accept free ending the training are not charged a fee (See allow the Department to accept free code books from \$25, unless an appearance of impropriety does not on for the gift. The Commission believes that in this y the Department from the NFPA would not create exception for the Department to accept the code
	Sincerely,
	EXECUTIVE BRANCH ETHICS COMMISSION
	By CHAIR: Cynthia C. Stone, Esq.

## EXECUTIVE BRANCH ETHICS COMMISSION ADVISORY OPINION 02-31

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### THIS OPINION NUMBER VOIDED.