

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 03-47**

December 18, 2003

RE: May employee accept trip won at nutrition conference?

DECISION: Yes, if the conference, and thus the door prize, was open to the public, and the drawing was random.

This opinion is issued in response to your December 1, 2003, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the December 18, 2003, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. Two dietitians employed by the Thomson-Hood Veterans Center recently attended the Food and Nutrition Conference & Expo sponsored by the American Dietetic Association. At the conference, hundreds of exhibitors offered drawing opportunities for door prizes for those who wished to participate. Approximately a month after the conference, one of the dietitians received a call from the National Pork Board informing him that he was the recipient of a paid trip for two to Mexico to attend culinary school for one week. The conference was open to dietitians, nutritional professionals, and others across the nation with an interest in nutrition. You ask whether it is ethical for the dietitian, who is a state employee, to accept the prize.

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

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 03-47**

December 18, 2003

Page Two

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. (Emphasis added.)

Additionally, KRS 11A.010(5) defines gift:

(5) "Gift" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; "gift" does not include gifts from family members, campaign contributions, or door prizes available to the public;

In previously issued advisory opinions (copies of which are enclosed), the Commission stated that an employee may accept a door prize from an exhibitor at a conference, who is also a vendor or is seeking to influence that employee's state agency, if the conference is open to the public, and anyone interested could attend.

It appears that the National Pork Board would not be a vendor of the Veteran's Center, but would be an organization attempting to influence decisions of the Veteran's Center to purchase pork. Thus, although the trip won by the dietician was a door prize, the Commission believes that the prize may only be accepted if the conference, and thus the door prize, was open to the public, and if the drawing was truly random. If the conference was not open to the public, but was limited to only professionals in the nutrition field, the employee may not accept the door prize if the value exceeds \$25.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

---

BY CHAIR: Joseph B. Helm, Jr.

Enclosures: Advisory Opinion 98-7  
Advisory Opinion 00-41  
Advisory Opinion 02-32