

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 93 – 81**

December 16, 1993

RE: Acceptance of travel expenses and other gifts

This opinion is issued by the Executive Branch Ethics Commission (the "Commission") upon its own initiative. This matter was reviewed at the December 16, 1993, meeting of the Commission.

A number of questions have been raised by state employees as to whether they may accept gifts, such as the payment of travel expenses, from persons or businesses that do business with or are regulated by state agencies. In an attempt to answer these questions and other questions which might arise, the Commission issues the following opinion:

The Commission views this in light of KRS 11A.005(1)(a), (c) and (d) and 11A.020(a) and (c) which state in part:

KRS 11A.005(1) It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that the proper operation of democratic government requires that:

(a) A public servant be independent and impartial;

...

(c) A public servant not use public office to obtain private benefits; and

(d) The public has confidence in the integrity of its government and public servants.

KRS 11A.020(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

...

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;

The Commission believes a public servant, spouse, or dependent children should not accept travel expenses, meals, alcoholic beverages, lodging, honoraria, or other gifts from any person or business that does business with or is regulated by the state 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 such persons or businesses, except as provided below. Acceptance of such gifts may appear to be a conflict of interest and may do damage to public confidence in the integrity of state government.

Exceptions:

1. A public servant may accept coffee, a doughnut, or similar type of refreshments.
2. A public servant may accept meals and beverages if he is a speaker or panel participant at a conference, workshop, seminar, school or university program, groundbreaking, public celebration, or other such meeting; and his attendance at such a meeting is to further his official duties as stated in the law, regulations, or his job description; and the meals and beverages are served as a part of the program and are available to all those in attendance.
3. A public servant who is a speaker or panel participant at a meeting as described in 2. above may accept a non-monetary token of appreciation for his program participation, such as a plaque or cup, if the value does not exceed \$25.00.
4. A public servant who is a candidate may accept a campaign contribution to his own campaign if the contribution is offered, received and reported in compliance with campaign-finance and other laws.
5. A public servant may accept a gift from a member of his family if the donor is not acting as the agent or intermediary for a person from whom the gift would otherwise be prohibited.
6. A public servant may accept food, clothing, shelter and other necessities in times of natural disaster or other emergency.
7. A public servant who is a dues-paying member of an occupational or professional association may while attending association meetings accept meals and beverages which are served by the association as a part of the program and are available to all those in attendance.

The Commission believes if it is in the public interest and part of the employee's official duty to attend functions sponsored by potential vendors or by entities which the employee's agency regulate, the employee's state agency should pay his expenses.

