

EXECUTIVE BRANCH ETHICS COMMISSION  
ADVISORY OPINION 94 39

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June 16, 1994

RE: May employees accept free tuition and lodging at vendor-sponsored seminar?

DECISION: No, unless tuition and lodging were included as part of the bid.

This opinion is in response to your May 17, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 16, 1994, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. Based on purchases of postal equipment, the Cabinet for Human Resources has qualified to send three employees to a mail management class provided by the vendor of the postal equipment. The class does not pertain to equipment operations, but rather to management and operations of mail departments. This seminar is available to any customer of the vendor if such customer has purchased at least \$10,000 in products during the last year from the vendor and meets additional criteria. Recent legislation enacted transfers the postal equipment, as well as the free seminars, to the Finance and Administration Cabinet. Tuition and lodging will be paid by the vendor for the employees. The price of the seminar, including lodging and meals, is \$695 per person for any business that has not met the purchase requirements. You ask whether acceptance of the free tuition and lodging by the employees of the Finance and Administration Cabinet is a violation of the Executive Branch Code of Ethics.

KRS 11A. 005(1)(a) and (d) state:

(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;

...

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

The Commission believes that, if the training opportunity was included in the vendor's bid on the equipment purchase, and thus was a part of open competition for the state's business, the Finance and Administration Cabinet may accept the free tuition and lodging.

If not related to a past bid, however, the tuition and lodging should not be accepted. The Commission believes that such acceptance from a company which does or is seeking to do a sizeable amount of business with the Cabinet may damage public confidence in the integrity of state government and in the independence and impartiality of the agency employees' decisions concerning the vendor's products. If the Cabinet believes it is worthwhile and in the public interest to send employees to the seminar, then the agency should pay the \$695 cost of the seminar for each employee.