

ADVISORY OPINION 94 - 63

December 15, 1994

RE: May employees accept gifts received as door prizes, wedding presents, or recognition awards?

DECISION: Qualified yes.

This opinion is issued by the Executive Branch Ethics Commission (the "Commission") upon its own initiative. This matter was reviewed at the December 15, 1994, meeting of the Commission, and the following opinion is issued.

In December 1993, the Commission issued Advisory Opinion 93-81 which addresses the acceptance of travel expenses and other gifts. Since the issuance of that opinion, a number of requests have been made by state employees for additional guidance in the area of acceptance of gifts. In an attempt to clarify this matter, the Commission issues the following opinion.

As concluded by the Commission in Advisory Opinion 93-81, 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 for which the public servant is employed or which he or she supervises, or from any group or association which has as its primary purpose the representation of such persons or businesses. In addition, state employees should not knowingly accept gifts or gratuities from individuals or companies that:

- Negotiate with the employee's agency;
- Lobby or attempt to influence actions or decisions of the agency;
- Are involved in litigation adverse to the agency;
- Have received or applied for funds from the agency other than funds disbursed through entitlement programs.

The Commission realizes that in certain circumstances a gift or gratuity received by an employee should not be considered a violation of the law. Such situations include:

- Door prizes awarded, if all participants have an equal chance of receiving the prize and if open to participants other than state employees and members of the donor's industry;
- Gifts which are modest, reasonable, and customary, given on such special occasions as marriage or retirement;
- Awards of modest and reasonable value which are publicly presented in recognition of public or charitable service, such as plaques;
- Prizes awarded based solely on skill, such as received in golf or tennis tournaments if such tournaments are open to participants other than state employees and members of the donor's industry;
- Promotional items with a value of less than \$25 which are available to the general public, such as calendars, mugs, pens, and caps;
- Free admission to a public event at which the public servant as part of official duties has a significant role in the program.
- Meals at conferences or seminars which are included as part of the registration fee and are available to all attendees;
- A single copy of a textbook received by an educator for review.

All gifts received by elected officials and officers as defined in KRS 11A.010(7) which total \$200 or more annually from a single source must still be disclosed on the employees' statement of financial disclosure

filed with the Commission.