

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 99-23**

June 8, 1999

RE: May director accept trip to visit transportation research center from vendor?

DECISION: No.

This opinion is in response to your May 20, 1999, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 8, 1999, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You have been invited to visit the Transportation Research Center of the 3M Company Traffic Controls Materials Division in St. Paul, Minnesota on July 21-23. The 3M company will demonstrate to those visiting the research center a new system for manufacturing license plate products. You believe that it would be very beneficial to the Commonwealth for you to view this new system. Currently, for production of its license plates, Kentucky is using a conventional embossing system which is cumbersome and very expensive. The new digital product system, which you would get to view during your visit, would replace the conventional embossing system. You ask whether such a visit would be allowed under current ethics rules and regulations.

The Commission previously considered an issue similar to yours in Advisory Opinion 93-23 (a copy of which is enclosed). Based on this advisory opinion and KRS 11A.045(1) provided below, you may not accept such a trip from a vendor or potential vendor of your agency.

(1) No public servant, his spouse, or dependent child knowingly shall accept tangible gifts or gratuities totaling a value greater than twenty-five dollars (\$25) in a single calendar year, or travel expenses, meals, alcoholic beverages, lodging or honoraria of any value, from any person or business that does business with, is regulated by, is seeking

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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. The following items are exempt:

(a) Coffee, soft drinks, pastries, hors d'oeuvres, or similar refreshments;

(b) Food consumed at a public event to which twenty-five (25) or more individuals are in attendance if that event is also open to participants other than public servants and members of the donor's industry;

(c) Meals, beverages, and free admission to an event if the public servant, as a part of his official duty, is a speaker or has a significant role in the program;

(d) A campaign contribution to an employee's own campaign if in compliance with KRS Chapters 121 and 121A and all other campaign finance laws;

(e) A gift from a family member who is not acting as an intermediary for a person from whom the gift would be otherwise prohibited;

(f) Food, clothing, and shelter in times of natural disaster or other emergency;

(g) Door prizes, if also open to persons other than public servants and members of the donor's industry and if all participants have an equal chance of receiving the prize;

(h) Gifts which are modest, reasonable, and customary, received on special occasions such as marriage or retirement;

(i) Awards of modest and reasonable value which are publicly received in recognition of public or charitable service, such as plaques;

(j) Prizes awarded based solely on skill, such as those received in golf or tennis tournaments, if those tournaments are open to participants other than public servants and members of the donor's industry;

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(k) Meals at conferences or seminars which are included as part of the dues paid or registration fee and which are available to all attendees; and

(l) A single copy of a textbook received by an educator for review.

You are not prohibited from visiting the center and attending the demonstration if it also is available to others at no cost; however you are prohibited from allowing the company to pay your travel expenses, lodging and meals. If your agency believes that it is in the best interest of the Commonwealth for you to attend such a demonstration, then your agency should pay your travel expenses, lodging and meals.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: Don A. Wimberly

Enclosures: Advisory Opinion 93-23

April 10, 2008

Tom Grissom, Director  
Correctional Industries  
475 Coffee Tree Road  
Frankfort, Kentucky 40601

*Reference: 060899.17*

Dear Mr. Grissom:

At its June 8, 1999, meeting, the Executive Branch Ethics Commission took up your request, dated May 20, 1999, in which you ask whether a director may accept a trip to visit a transportation research center from the vendor.

The enclosed Advisory Opinion 99-23 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: AO 99-23