

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 00-61
November 3, 2000

RE: May Department of Education employees accept travel and hotel accommodations from potential vendor?

DECISION: No.

This opinion is in response to your October 16, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 3, 2000, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. WorldCom Foundation, a vendor of internet learning products, would like to provide complimentary travel and hotel accommodations for certain employees of the Department of Education to attend the first MarcoPolo Leaders Forum to be held in Washington, D.C. The goals of the forum are as follows:

- To gather the participants' recommendations to help the WorldCom Foundation further develop quality educator training around the integration of Internet content.
- To help the participants design, manage and support a quality roll out of MarcoPolo training to classroom teachers.
- To provide a setting in which to give feedback to Foundation staff and content partners about the lesson plans and other teacher resources that are currently available on the MarcoPolo partner websites. The participants may also make recommendations for filling current and future needs for quality Internet resources for K-12 classroom teachers.
- To offer a forum for other relevant topics that participants and other state leaders recommend for consideration by the whole group and/or breakout work groups.
- To build an on-going network to share ideas and experience culminating in a progress report available to all.

KRS 11A.045 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 supervises, or from any group or association which has its primary purpose the representation of those person or businesses... (emphasis added).

KRS 11A.045(1) prohibits Department of Education employees from accepting travel and hotel accommodations from the WorldCom Foundation, which manages the MarcoPolo project, since it appears that WorldCom Foundation is a potential vendor of Kentucky's teachers and thus will be attempting to influence the actions of the Department of Education.

Although the Department of Education has an agreement with the WorldCom Foundation to provide teacher training in Kentucky at no cost, the Commission does not believe that the agreement allows employees to accept travel and hotel accommodations from the Foundation.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Bertie Oldham Salyer, M.A., A.M.E.