

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 00-63
November 3, 2000

RE: May engineering company provide a seminar to transportation engineers at no charge if there is no fee charged to other participants in the seminar?

DECISION: Yes.

This opinion is in response to your October 26, 2000, request for an 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 provide the relevant facts as follows. American Engineers, Inc. is considering sponsoring a highway design seminar. American Engineers would like to open the seminar up to all consultants and any state transportation engineers who would like to attend. You ask whether state employees would have to be charged a fee to attend even if others attending are not charged, and if a fee must be charged, what amount of fee is acceptable.

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. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

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In Advisory Opinion 93-25, the Commission stated that if the fee was waived for all participants to attend a forum sponsored by a state vendor, then, in substance, there was no forum fee, and the public servant could attend. Similarly, in this instance, since there is no charge for anyone participating in the seminar, then in substance there is no fee for the seminar. The Commission views this simply as a dissemination of information rather than a gift, pursuant to KRS 11A.045, which would be prohibited if a fee were being charged to attend the seminar.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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

Enclosures: Advisory Opinion 93-25