

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 02-55**  
November 22, 2002

RE: May a state employee accept door prize from exhibitor?

DECISION: No, unless less than \$25.

This opinion is in response to your September 13, 2002, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 22, 2002, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Louisville Convention and Visitors Bureau (the "Bureau") is hosting an event in Frankfort and would like to invite several state employees, as well as associations, corporations, and individuals in Frankfort and Lexington. At the event, the Bureau would like to showcase Louisville by way of exhibitors. Each exhibitor will have a booth to promote his or her individual facility or service. You anticipate that each exhibitor also will offer a door prize - some smaller prizes with a value of less than \$25, such as key fobs, Post-It- notes, sewing kits, etc., while other prizes may exceed that value, such as overnight hotel stays. Additionally, the Bureau plans to provide complimentary food and beverages (valued at less than \$25 per person) and a chance to win a grand door prize. You ask about the propriety of state employees accepting such gratuities.

KRS 11A.045(1) 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 as its primary

purpose the representation of those persons 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.

Additionally, "gift" is defined in KRS 11A.010(5) as follows:

(5) "Gift" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; "gift" does not include gifts from family members, campaign contributions, or door prizes available to the public;

The provisions above prohibit an employee from accepting a door prize with a value of greater than \$25 from any exhibitor that does business with, or seeks to do business with, the state agency for which the employee works, unless the door prize is open to the public, and then it is not considered a "gift." Thus, the Bureau may invite state employees to the event and the employees may accept food and beverage with a value of less than \$25 from the Bureau. The employees may accept door prizes from exhibitors who are potential vendors to their agencies if those prizes have a value of less than \$25 per vendor. However, because it does not appear to the Commission that the event is open to the public, but only to those invited, employees should not accept door prizes with a value of more than \$25. The Commission assumes that the exhibitors are seeking to do business with the state agencies of the employees invited to the event.

Additionally, if the Bureau has as its primary purpose the representation of the exhibitors, then the employees similarly should not accept the grand door prize from the Bureau. If the Bureau does not have as its primary purpose the representation of the exhibitors, and it does not seek to do business with the state agency of the winning employee, then the employee may accept the grand door prize, if selected.