

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 04-36

September 30, 2004

RE: May Executive Director accept fee waiver to attend convention activities, in addition to the session where he will be a program presenter?

DECISION: No

This opinion is issued in response to your September 15, 2004 request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 30, 2004 meeting of the Commission and the following opinion is issued.

You state the following. As the ethics officer for the Office of Financial Institutions ("Financial Institutions"), you request an official ethics opinion from the Commission on behalf of the Executive Director of Financial Institutions. You ask whether the Executive Director of Financial Institutions may participate in the daily functions of the Kentucky Bankers' Association ("KBA") annual convention, or any other seminar/function where the Executive Director is a program presenter before the KBA, without having to pay any registration fee or other fees associated with the convention. The cost of the registration fee and other fees associated with the convention exceeds \$25.

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

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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.

In Advisory Opinion 04-8 (a copy of which is enclosed), the Commission stated that a waiver of a registration fee for a presenter at a professional conference to attend the sessions of the conference would constitute a gift to the presenter. In Advisory Opinion 04-29 (a copy of which is enclosed), the Commission stated that although it thought it was worthwhile for employees to interact with licensees in order to train and provide information to them, and that generally the presenter should not have to pay a fee to attend a function to present such information, other gratuities such as meals and entertainment at the function should not be accepted. The Commission further believes that if a program presenter wishes to attend other functions of an annual convention, in addition to the session for which he is a presenter, either he or his agency should pay any registration fee or other fees required.

Therefore, since the value of the registration fee and other fees associated with the KBA convention exceed \$25, the Executive Director of Financial Institutions should not attend daily functions of the convention, in addition to the session for which he is a presenter, without payment of the registration and associated fees.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: James S. Willhite

Enclosures: Advisory Opinion 04-8
Advisory Opinion 04-29