

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 06-18

June 16, 2006

RE: May employees accept meals from local Chambers of Commerce.

DECISION: Yes.

This opinion is issued in response to your June 6, 2006 request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 16, 2006 meeting of the Commission and the following opinion is issued.

You provide the following relevant facts as follows. Employees who serve as field services representatives for the Governor's Office for Local Development ("GOLD") routinely are invited to attend community functions such as Chamber of Commerce ("Chamber") lunches and breakfasts. They do so in their official capacities and are invited to represent GOLD and the Office of the Governor in order to perform their official function of a liaison between the Governor's Office and local communities.

Many Chambers of Commerce do not charge a fee to attend such events because those who attend are members of the Chamber and members pay regular dues. Although the GOLD employees do not pay dues, they are not asked to pay for their meals either. In some cases, GOLD employees attend a number of these breakfasts/lunches and the value of the meals received during a year may exceed a value of over \$25 from a particular Chamber of Commerce.

Local governments do business with, seek grants from, and, in the case of counties, are regulated by GOLD. Although local Chambers of Commerce appear to represent such local communities, membership in a local Chamber is typically comprised of representatives from private, non-profit or business entities, as opposed to local governments.

Thus, GOLD does not believe that an appearance of impropriety will be created if GOLD employees accept meals from local Chambers of Commerce since the local Chambers are not regulated by, nor do they apply for grants from GOLD. You ask for an advisory opinion and/or an exception regarding the acceptance of these meals by GOLD employees.

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.

The Commission believes that, although local governments do business with, seek grants from, and in many cases are regulated by GOLD, it appears that the local Chambers of Commerce primarily represents local businesses, not local governments. Thus, because the local Chambers of Commerce are not regulated by, doing business with, or seeking grants from GOLD, and don't primarily represent local governments which are, the field service representatives and other GOLD employees are not prohibited from accepting meals such as breakfasts and lunches from the various local Chambers.

The Commission cautions, however, if a local Chamber of Commerce is seeking in some way to influence GOLD, then a conflict would exist for GOLD employees, and they should not accept such meals from that particular local Chamber.

Sincerely

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: John A. Webb