

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 93 – 10**

April 2, 1993  
**(REISSUED MAY 10, 1993)**

RE: Civic organization asks whether Executive Branch employees who speak may accept lunch and small gift

This letter is in response to your March 11, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 2, 1993, meeting of the Commission and the following opinion is issued:

The relevant facts are as follows. Each week the "club" has a speaker who addresses the club without monetary remuneration. Lunch is routinely provided at the meeting for a charge of \$6 per meal. However, the speaker is not required to pay for his lunch. Speakers who eat are served the same food as the members. At the end of the presentation, the speaker is given a club coffee mug, which costs approximately \$1 to \$2 per mug.

You raise the question: is it permissible under the Executive Branch Code of Ethics (KRS Chapter 11A) for an executive branch employee to accept a meal or small gratuity when serving as a speaker before a civic club?

While the amounts involved in this example are small, the question raised appears to have broad application to similar events across the state.

In considering this request, the Commission takes particular note of these provisions in KRS 11A:

KRS 11A.040(5):

No public servant shall knowingly accept compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

KRS 11A.010(3):

Compensation means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, by himself or another.

KRS 11A.005(2)(c):

Standards . . . are needed to determine those conflicts of interest which . . . tend to bring public servants into disrepute.

The Commission concludes that an executive-branch employee (or "public servant," as defined in KRS 11A) may accept a free meal at an event to which he is invited to participate in furtherance of his official duties, provided these tests are met:

1. The meal is an integral part of the event and the employee's role in the program occurs immediately before, during or immediately after the meal.

2. The employee's meal is the same available to all others at the event and is consumed on the premises.

Under the circumstances you describe, we believe these tests have been met and the free meal does not rise to the level of "compensation" or tend to bring the employee into disrepute.

We also approve acceptance of a small token of appreciation such as a coffee mug. Public servants are encouraged to make speeches and presentations for the benefit of citizens of the Commonwealth, but public servants shall be zealous to accept nothing more than a small token of appreciation.

Your request has led to such a detailed answer because history is replete with abuses (typically by economic-interest groups, not civic clubs), and we believe the legislature and public intend restrictions to be tightly drawn.