

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 93 – 23**

June 7, 1993

RE: Private company offers state employee two-day tour of their transportation safety center with expenses paid

This letter is in response to your May 13, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 7, 1993, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. A private, for profit, company has invited your agency to send four employees selected by your agency to a two-day tour of its Transportation Safety Center. The Center displays traffic lighting and safety features. All expenses will be paid by the private company which currently holds state contracts. The agency employees attending will not be involved in the selection process of any contracts on which the private company may bid. Attendance at the tour must meet all state legal regulations.

From additional information received pertaining to this request, the Commission learned that the agency personnel attending will hear presentations by and have contact with highway safety experts.

You are asking whether or not the acceptance of this trip will violate the Executive Branch Code of Ethics under KRS Chapter 11A.

From the information provided, we take note that the tour will be beneficial to the state as new safety features for roadways are introduced. We also take note of the fact that the Center is located in St. Paul, Minnesota, and thus, this presentation could not be held elsewhere.

KRS 11A.005 states that the "proper operation of democratic government requires that:

(a) A public servant be independent and impartial;

...

(d) The public has confidence in the integrity of its government and public servants."

The Commission believes that the agency's acceptance of all-expenses-paid trips from a company seeking to do a sizeable amount of business with the agency would tend to damage public confidence in the integrity of government and in the independence and impartiality of the agency in deciding whether to buy that company's products.

If the agency believes it is worthwhile and in the public interest to send employees to take part in the tour, then the agency should pay their expenses.