

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93-69

November 22, 1993

RE: Are vendor-paid travel costs a violation of KRS Chapter 11A?

This opinion is in response to your October 19, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 22, 1993, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Division of Purchases, within the Finance and Administration Cabinet, issues Requests for Proposals which sometimes include a section stating that if an offeror chooses to demonstrate his product, system, etc. at a location other than Frankfort, he is liable for travel and lodging costs of the state employees attending. You ask whether the state employee's acceptance of the travel and lodging cost paid by the potential vendor is a violation of KRS Chapter 11A.

KRS 11A.005 provides:

(1) It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that the proper operation of democratic government requires that:

- (a) A public servant be independent and impartial;
- (b) Government policy and decisions be made through the established processes of government;
- (c) A public servant not use public office to obtain private benefits; and
- (d) The public has confidence in the integrity of its government and public servants.

(2) The principles of ethical behavior for public servants shall recognize that:

- (a) Those who hold positions of public trust, and members of their families, also have certain business and financial interests;
- (b) Those in government service are often involved in policy decisions that pose a potential conflict with some personal financial interest; and
- (c) Standards of ethical conduct for the executive branch of state government are needed to determine those conflicts of interest which are substantial and material or which, by the nature of the conflict of interest, tend to bring public servants into disrepute.

The Commission believes a state employee traveling to a demonstration on behalf of the Division of Purchases may accept travel costs from a vendor within the following limitations:

1. The purchasing authority has determined, in writing, it is not feasible to conduct the demonstration at the location of the purchasing authority.
2. It has been stated in the Request for Proposals or other specifications available to all vendors that the vendor shall be liable for such costs.
3. The vendor shall not pay and the state employee shall not accept any amounts in excess of the standard state travel allowance.
4. The vendor shall submit payment for such costs to the purchasing authority, and the state employee shall seek reimbursement through the standard state procedures.