

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93 – 88

December 16, 1993

RE: Does the solicitation of discount lodging rates for state employees on official travel status violate the Executive Branch Code of Ethics?

This opinion is in response to your November 23, 1993, request for an advisory opinion from the Executive Branch Ethics Commission ("the Commission"). This matter was reviewed at the December 16, 1993, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. Each year the Division of Accounts (the "Division") within the Finance and Administration Cabinet requests hotels and motels in the state to provide discount rates for state government employees on official travel status. The Division provides state agencies a list of the hotels and motels which have agreed to provide discount lodging rates to state employees.

Upon receiving the request for hotels and motels to provide a discount rate for next year, the Executive Director of the Kentucky Hotel/Motel Association questioned whether this solicitation would be a violation of the Executive Branch Code of Ethics in KRS Chapter 11A. His concern is whether the lodging discount would be something of value offered to state employees that is not available to others. You do not believe the Executive Branch Code of Ethics was intended to prohibit the state from seeking the most economical and feasible lodging available for employees while on official travel status.

You request the Commission's opinion as to whether or not the solicitation of discount lodging rates for state employees on official travel status violates the Executive Branch Code of Ethics.

KRS 11A.005(1)(a) and (d) state:

(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;

...

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

The Division of Accounts may annually solicit hotels and motels to provide discount rates for state employees on official travel status. The Commission believes this

solicitation does not create a conflict of interest for the Division or state employees who stay at hotels or motels offering the discounted rate, as long as the discounted rate is offered to all state employees on official travel status. The Commission views this in light of state price contracts which are similarly solicited from vendors.