

EXECUTIVE BRANCH ETHICS COMMISSION  
ADVISORY OPINION 94 - 19

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April 19, 1994

RE: May employees who conduct tours to promote state tourism accept complimentary meals, lodging, and admission to attractions?

DECISION: Only when traveling with tour officials whom the employee is seeking to persuade to bring tourism to Kentucky.

This opinion is in response to your January 7, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the March 22 and April 19, 1994, meetings of the Commission, and the following opinion is issued.

You state the relevant facts as follows. The Department for Travel Development ( the "Department") within the Tourism Cabinet conducts familiarization ("FAM") tours for groups such as tour operators, AAA organizations, tour planners for senior citizen clubs, church groups, industrial and civic groups, and media representatives. These tours have been jointly sponsored by the Department and the private sector since the mid-1950's in order to promote Kentucky as a travel destination. The tours are complimentary to the tour participants and staff of the Department who conduct the tours. The expenses of these tours are absorbed by restaurants, hotels, convention and visitors bureaus, private tourism associations, and the Department.

In addition, Department employees frequently are invited to complimentary tours of private facilities in order to familiarize themselves with the property. The information gained from these visits is used to promote travel in Kentucky at consumer travel shows, trade shows, and group travel marketplaces.

The hotels, motels, attractions and other tourism related entities who provide these complimentary items may be entities who either do, or seek to do, business with the state. However, the Department works in partnership with these facilities in order to promote travel in Kentucky. To prohibit the Cabinet from accepting such benefits during tours with tourism industry officials might be awkward and therefore damaging to the efforts to bring tourism to the state.

The Commission believes a public servant employed by the Tourism Cabinet may accept a gift or gratuity while traveling with persons he is seeking to persuade to bring tourism to Kentucky if the gift or gratuity was not solicited by the public servant, is accepted in performance of his official duties, and is of no more value than gifts to the other members of the group. The recipient shall report the details of such gifts to the Tourism Cabinet, which shall file copies of such reports with the Executive Branch Ethics Commission. Gifts of tangible property with a value in excess of \$25, other than food and beverages consumed on the premises, shall be turned over to the Tourism Cabinet within 30 days of receipt. This opinion conforms with a provision for limited gift acceptance by the Economic Development Cabinet employees, as set forth in House Bill 511 passed recently by the General Assembly.

The Commission believes Tourism Cabinet employees should not accept meals, lodging, or other gifts from tourism-related businesses or attractions when the employee is not traveling with tour officials, except that an employee may accept a free admission while gathering information in performance of official duties.