

ADVISORY OPINION 98-44

December 17, 1998

RE: May employee of the Office of the Attorney General accept gift from employee of bank?

DECISION: Yes, if Office of the Attorney General is not currently regulating the bank, and the bank is not attempting to influence actions of the Office of the Attorney General.

This opinion is in response to your November 16, 1998 request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the December 17, 1998 meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You are currently employed as a director in the Office of the Attorney General. You recently played golf with a friend who is a Senior Vice President with a bank. The friend paid for your green fees, cart rental and your lunch for a total value of approximately \$70. You ask whether this is prohibited under the Executive Branch Code of Ethics since banking matters could potentially be referred to the Office of the Attorney General though you state usually these matters are referred to the Department of Financial Institutions, Public Protection and Regulation Cabinet. You are not aware of any matter involving this particular bank currently before the Office of the Attorney General.

During the 1998 General Assembly, the legislature passed House Bill 275 (a copy of which is enclosed) which states as follows:

(1) No public servant, his spouse, or dependent child knowingly shall accept tangible gifts or gratuities totaling a value greater than twenty-five dollars (\$25) in a single calendar year, or travel expenses, meals, alcoholic beverages, lodging or honoraria of any value, from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises,

Since it does not appear that the Office of the Attorney General is currently regulating or otherwise involved in any matter involving the bank, and the bank does not appear to be attempting to influence the actions of the Office of the Attorney General, there does not appear to be a prohibition on your acceptance of the payment of your green fees, cart rental, and lunch from your friend.

Enclosure: HB 275 (1998 GA)