

SUBJECT: ARMY RECRUITERS OFFERING EDUCATOR TOURS TO STATE EMPLOYEES

SUMMARY: The State Ethics Commission advises that public employees would not be prohibited from accepting meals and tours provided by Army Recruiters which are provided equally to all participants.

QUESTION: The Commander of the US Army Recruiting Battalion Columbia requests an opinion as to whether it is ethical for state employees to accept invitations to participate in Army Recruiting funded Educator Tours. He also questions whether individual state employees can accept meals and give-away items from Army Recruiters at funded breakfasts, luncheons, or dinners. The purpose in providing the tours and meals is to provide information about various Army programs to state employees who are influencers in their various communities.

DISCUSSION:

This opinion is rendered in response to a letter dated March 31, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-710(B) provides:

- (B) A public official, public member, or public employee required to file a statement of economic interests under Section 8-13-1110 who receives, accepts, or takes, directly or indirectly, from a person, anything of value worth twenty-five dollars or more in a day and anything of value worth two hundred dollars or more in the aggregate in a calendar year must report on his statement of economic interests pursuant to Section 8-13-1120 the thing of value from:
 - (1) a person, if there is reason to believe the donor would not give the thing of value but for the public official's, public member's, or public employee's office or position;
 - (2) a person, or from an officer or director of a person, if the public official, public member, or public employee has reason to believe the person:
 - (a) has or is seeking to obtain contractual or other business or financial relationships with the public official's, public member's, or public employee's governmental

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- entity.
- (b) conducts operations or activities which are regulated by the public official's, public member's or public employee's governmental entity.

Section 8-13-705(b) provides:

- (B) A public official, public member, or public employee may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for himself or for another person in return for being:
 - (1) influenced in the discharge of his official responsibilities;
 - (2) influenced to commit, aid in committing, collude in, allow fraud, or make an opportunity for the commission of fraud on a governmental entity; or
 - (3) induced to perform or fail to perform an act in violation of his official responsibilities.

In Advisory Opinion SEC AO92-039, the State Ethics Commission advised that the provision of a coffee break or meal by a vendor to all participants at a show or seminar would not violate the provisions of the Ethics Reform Act unless given to influence the recipient.

It appears from the facts as submitted that state employees are being invited to attend such tours to influence young people in the schools and communities to enlist in the Army. While there is no financial gain to be obtained by such employees who participate in the tour, the State Ethics Commission advises that such tours benefit the agency and would not be prohibited.