

**METRO ETHICS COMMISSION GUIDELINES
ON THE ETHICS OF ACCEPTING INVITATIONS TO
PUBLIC EVENTS, APPEARANCES, OR CEREMONIES**

These guidelines are intended to clarify some of the factors considered by the Metro Ethics Commission in responding to requests by Metro Officers for advisory opinions pertaining to their participation in various civic and social functions. The questions usually relate to Section 21.02(E) of the Metro Ethics Code, which very generally prohibits any Metro Officer from accepting any thing of value if it is:

based on an understanding; or,

under circumstances from which it could reasonably be inferred

that the thing of value was given or offered

1. for the purpose of influencing the officer, directly or indirectly, in the discharge of official duties; or,
2. for the purpose of gaining access to the Metro Officer.

The Metro Ethics Code lists several exceptions to the conduct prohibited by Section 21.02(E):

1. Solicitation or acceptance of a contribution to the campaign of an announced candidate for elected public office if otherwise in compliance with Kentucky law.
2. Giving or receiving an award publicly presented in recognition of public service.
3. Commercially reasonable loans made in the ordinary course of the lender's business.
4. **Reasonable hosting, including entertainment, meals or refreshments furnished in connection with public events, appearances, or ceremonies.**
5. If authorized to solemnize a marriage, accepting a gratuity for performing the ceremony.

Metro Officers most frequently want to know if a particular invitation falls within the "reasonable hosting" exception, number 4 above. First and foremost, it is not necessary to get the Commission's permission to accept any invitation or to attend any event. The Commission is happy to give advisory opinions, but believes it may be helpful to Metro Officers, and may reduce the number of requests for advisory opinions, if the Commission explains the general guidelines it uses in responding.

The most obvious evil which Section 21.02(E) seeks to prohibit is the solicitation or receipt of a "kickback" in return for the award of a contract, a vote, or special favor. However, the words of the Code also encompass a much broader range of conduct.

Is There An Understanding?

In those circumstances where a Metro Officer is offered a free ticket to a community event or fundraiser in which the ticket may entitle the officer to free admission, food, drink, or entertainment, the first ethics issue to be addressed is whether there is any express understanding that a thing of value is being offered to influence the officer in the discharge of official duties or to gain special access to the officer.

Is There A Reasonable Inference?

The next ethical issue is whether the offer or receipt of the particular thing of value creates a reasonable inference that it was given to influence the discharge of official duties or to gain some special access to the officer. If the answer to either of these is “yes,” then acceptance of the thing of value would constitute a violation of the Code.

Discussion

In the vast majority of cases, there is no express understanding. The question which can lead to debate, however, is whether the amount or circumstances create a “reasonable inference” that the thing of value is given for one of the improper purposes listed by the Code. The exceptions, like “reasonable hosting,” generally spell out circumstances where the thing of value given or received is clearly not unethical. However, the Code does not provide any stated monetary amount considered to be “reasonable.” Likewise, the Commission has avoided fixing a precise upper monetary limit on what it considers to be reasonable, preferring instead to consider the totality of the circumstances in each case. However, the Commission operates under a general presumption that tickets or other things valued at \$50 or less is reasonable. To be clear, this presumption applies only to the question of whether there is a reasonable inference that something of value is given for an improper purpose. An express understanding that anything of value is given for an improper purpose under the Code is always unethical.

The following is a partial list of factors the Commission considers in deciding whether acceptance of things of value reasonably infers the value is given to gain access to the officer or to influence the officer in the discharge of official duties.

PRO	CON
Public event	Private meeting
Charity fundraiser or publicly funded	For-profit event
You are invited in a representative capacity having a relationship to the event	No relationship between the event and your representative capacity
Other Metro Officers are invited	No other Metro Officers are invited and the event bears no relationship to your office
You are not currently entertaining any business or legislative proposal pertaining to the event sponsor	You are currently entertaining some business or legislative matter pertaining to the event sponsor

PRO	CON
The value of the thing given or received is \$50 or less	The value of the thing given or received is greater than \$50
Even if the value exceeds \$50, other factors rule out a reasonable inference that official access or action is being “purchased”	The value is so great as to create a sense of indebtedness to the donor or event sponsor or to cause others to believe that it creates a sense of indebtedness

It must be emphasized that none of these factors, alone, is determinative of the answer. The Commission considers them all, and may consider others depending on the circumstances. These are simply offered to help you decide whether you need an advisory opinion by the Commission. Please remember permission is not required.

ADOPTED BY METRO ETHICS COMMISSION JUNE 19, 2008