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# STATE OF ALABAMA ETHICS COMMISSION

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January 10, 1996

## ADVISORY OPINION NO. 96-11

Dr. Larry Beaty  
President  
Wallace College Dothan  
Route 6, Box 62  
Dothan, Alabama 36303-9234

Thing Of Value/  
Transportation Provided To  
Public Official In Relation To  
Educational/ Informational  
Purpose.

College officials from  
Wallace College Dothan may  
accept reasonable  
transportation, food, and  
beverages where the provider  
is present, and lodging  
expenses in the Continental  
United States and Alaska  
which are provided in  
conjunction with an  
educational or informational  
purpose.

Any expenditure to the public  
official, public employee, or a  
member of his or her  
respective family that  
exceeds \$250.00 within a  
calendar day must be reported  
to the Commission

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The college officials may further accept hospitality associated with the educational or informational purpose provided that such hospitality is less than 50% of the time spent at such an event.

The Ethics Commission would strongly caution the college officials that they may not accept a thing of value (in this case free air fare) if it is a condition of their deciding to enter into the contract with GTE South, and if it is based on any understanding that the vote, official actions, decisions or judgment of the intended recipient or family member would be influenced thereby.

Dear Dr. Beaty:

The Alabama Ethics Commission is in receipt of your request for an Advisory Opinion, and this request is issued pursuant to that request.

**QUESTION PRESENTED**

May college officials from Wallace College in Dothan accept free transportation from GTE to fly on a private jet to South Carolina to tour a facility where certain communications technology is currently in operation?

### FACTS AND ANALYSIS

GTE South, Inc. is the local provider for telephone services and communication for the Wire Grass area which includes Wallace College in Dothan. The college is interested in establishing a distance learning program through communication technology, and if they proceed with the program, they will be leasing phone lines from GTE. GTE representatives have offered to fly these college officials from Wallace College Dothan to one of their facilities in South Carolina, so that they may observe the technology in operation. The trip will be one day, over and back.

The Alabama Ethics Law, Code of Alabama, 1975, Section 36-25-1(32)(b)(3) states:

Section 36-25-1(32)(b)(4) states:

*"b. The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:*

*4. Reasonable transportation, food and beverages where the provider is present, and lodging expenses in the continental United States and Alaska which are provided in conjunction with an educational or informational purpose, together with any hospitality associated therewith; provided, that such hospitality is less than 50 percent of the time spent at such event, and provided further that if the aggregate value of such transportation, lodging, food, beverages, and any hospitality provided to such public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day the total amount expended shall be reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure."*

Section 36-25-5(e) states:

*"(e) No public official or public employee shall, other than in the ordinary course of business, solicit a thing of value from a subordinate or person or business with whom he or she directly inspects, regulates, or supervises in his or her official capacity"*.

College officials may fly on a corporation's private jet to tour a facility involving services to be contracted between the college and the provider, but should the cost of the transportation for each public employee, public official, and member of his or her respective household exceed two hundred fifty dollars (\$250), GTE South must report this expenditure to the Ethics

Commission as required by law.

**CONCLUSION**

Based on the facts as presented and the above law, college officials from Wallace College Dothan may accept reasonable transportation, food, and beverages where the provider is present, and lodging expenses in the Continental United States and Alaska which are provided in conjunction with an educational or informational purpose.


Any expenditure to the public official, public employee, or a member of his or her respective family that exceeds \$250.00 within a calendar day must be reported to the Commission.

The college officials may further accept hospitality associated with the educational or informational purpose provided that such hospitality is less than 50% of the time spent at such an event.

The Ethics Commission would strongly caution the college officials that they may not accept a thing of value (in this case free air fare) if it is a condition of their deciding to enter into the contract with GTE South, and if it is based on any understanding that the vote, official actions, decisions or judgment of the intended recipient or family member would be influenced thereby.

**AUTHORITY**

By 5 - 0 vote of the Alabama Ethic Commission on January 10, 1996



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H. Dean Buttram, Jr.  
Chair  
Alabama Ethics Commission