

## OPINION NO. 164

An employee inquired whether he may accept an invitation from a local contractor to attend a seminar. The travel, lodging and entertainment expenses would be paid by an association of which the contractor was a member.

The employee's state duties involved the business administration, public relations and inspectional activities of a particular state program. His responsibilities included explaining and reviewing contract provisions, accepting bids and applications and recommending awards; evaluating operational data, recommending changes in policies and procedures; receiving and resolving service complaints; inspecting equipment and vehicles for safety and proper operation; seeking compliance of county ordinances, state requirements, and contract provisions; and recommending penalties or termination of contracts for non-compliance of provisions. The State had contracts with members of the donor association.

The employee informed us that he did not know the purpose of the seminar and he was not able to ascertain whether or not the seminar related to his official function in state government or whether a benefit will accrue to the State by his attending the seminar. He indicated that the approximate value of the travel, lodging, meals and entertainment was \$100.00.

We advised him that he should not accept the invitation because it would constitute a violation of HRS §84-11, relating to gifts. This opinion was based upon the fact that he had broad discretionary responsibilities vis-a-vis the contractors. Moreover, facts were lacking to indicate that the seminar was beneficially related to his public functions or would be of benefit to the State; and the value of the invitation was more than what would be considered a nominal gift of aloha in this community. We, therefore, concluded that under the guidelines set forth by the Commission in Opinions Nos. 42, 45 and 121, the acceptance of this invitation would be in violation of the gift provision.

We commended him for his sensitivity to ethics in government.

Dated: Honolulu, Hawaii, August 15, 1973.

STATE ETHICS COMMISSION  
Vernon F.L. Char, Chairman  
Audrey P. Bliss, Commissioner  
Walters K. Eli, Commissioner

Note: Commissioner Gwendolyn B. Bailey was excused from the meeting at which this opinion was considered. There was one vacancy on the Commission.