

## OPINION NO. 533

The Commission received a request for an advisory opinion from a state employee who asked the Commission to determine whether his office's acceptance of complimentary air fares from an airline was in violation of the State's ethics laws.

The Commission understood that a local businessman had conceived of the idea of conducting free training sessions on one of the Pacific islands for the benefit of individuals there and solicited an airline for complimentary air fares for an official from the employee's office who had been asked to conduct the training sessions.

The section of the ethics code relevant to the question the employee raised was HRS §84-11, the gifts section, which provides that an employee of the State shall not accept gifts, including gifts of travel, "under circumstances in which it can be reasonably inferred that the gift is intended to influence him in the performance of his official duties or is intended as a reward for any official action on his part."

The Commission believed that under the circumstances of this case the gift of complimentary air fare did not give rise to an inference of an attempt to influence or reward official action. First of all, the tickets were not a personal gift to the official, but simply enabled him to attend the training sessions. The benefit from the complimentary air fare thus accrued to the individuals invited to the training sessions and to the State, rather than to the official himself. Secondly, an official from the employee's office flew to the Pacific island where the training sessions were held at the most only once a year for official business. Given the minimal use of airlines to the Pacific island and the fact that the gift of complimentary air fare was for the purpose of hosting free training sessions, the Commission believed that the acceptance of the complimentary air fare by the employee's office was not in violation of the ethics code. However, the Commission stated that employees in the office should be aware that in past advisory opinions the Commission had established the rule that complimentary trips received from private companies cannot be extended for a personal vacation. To extend a complimentary trip for a personal vacation would constitute the acceptance of a gift in violation of HRS §84-11.

The Commission thanked the employee for seeking its advice in regard to this matter. The Commission informed the employee that, as stated in the brochure on gifts, state employees and officials should contact the Commission for an opinion before accepting complimentary travel from private businesses.

Dated: Honolulu, Hawaii, July 6, 1984.

STATE ETHICS COMMISSION  
Allen K. Hoe, Chairperson  
Tim S. Farr, Commissioner  
Mildred D. Kosaki, Commissioner  
Rabbi Arnold J. Magid, Commissioner

Note: Vice Chairperson Edith K. Kleinjans was excused from the meeting at which this opinion was considered.