

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 204

This is an advisory opinion in response to a letter requesting advice from the Ethics Commission [Commission] as to whether the president of a company [Mr. A], who is interested in bidding for a City contract, may provide: 1) a "free" luncheon valued at approximately \$15.00 per person in conjunction with a workshop seminar to which selected City officials would be invited; and 2) all expense paid informational trips to study another country's mass transit systems for two key employees of a City agency concerned with mass transit systems.

The Commission understands the facts relative to the inquiry to be as follows:

Mr. A, President of ABC Corporation, intends to bid for a City contract. In order to educate people about the system used by the ABC Corporation, he proposes to organize a workshop seminar to illustrate the technology through a video and lectures to which selected City officials will be invited. It is his intention to serve lunch as a part of that free event. Further, he proposes to organize an inspection tour to a location outside the continental United States, to which selected City officials will be invited to participate at their own (or the City's) expense. However, he would like to offer to cover all of the expenses of the informational trip for the two key employees.

The ethical questions presented are: 1) whether providing a complimentary lunch in conjunction with the workshop seminar would be in violation of the City's restrictions on the receipt of gifts by officers and employees; and 2) whether offering all expense paid informational trips to another country for two key employees would be in violation of the Ethics Commission's Guidelines on Gifts of Travel, Lodging and Meals.

The general rule in regard to both questions appears in Section 11-102.1 of the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.) [RCH] which states as follows:

No elected or appointed officer or employee shall... [s]olicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of such person's official duties.

Based on the evidence presented, the Commission finds that Mr. A's corporation may provide both the luncheons and the two (2) specified all expense paid informational trips without causing

the City officers or employees involved to violate the Standards of Conduct. In the case of the luncheon provided in conjunction with a workshop seminar, the Commission believes that it could not reasonably be inferred that the complimentary lunch "is intended to influence" officers or employees in the performance of their official duties. In the case of the all expense paid fact-finding trips for the two key employees, the benefit of the information gained by them redounds to the City, rather than to the individuals personally. However, Mr. A is advised that the acceptance of such an informational trip by the two key employees in no way obligates them or the City to Mr. A's corporation in awarding contracts or at any other time.

Dated: July 12, 1990

JANE B. FELLMETH
Chair, Ethics Commission