

Travel Expenses

A summary of the gift and payment restrictions contained in the Code of Governmental Ethics relating to Travel Expenses



Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

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Information Sheet #6

A common issue that is presented to the Louisiana Board of Ethics is whether a public servant may allow a private source to pay for their travel expenses, such as lodging and transportation. This type of situation arises when a public servant's job duties require him or her to travel. Usually the group or company for whom the public servant provides services wishes to reimburse the public servant or their agency for their travel expenses. The Sections controlling the receipt of travel expenses by a public servant are Sections 1111A, 1115, and 1123(41) of the Code of Governmental Ethics. (Legislators and legislative staff employees are governed by more specific guidelines than those addressed in this document.)

GENERAL PROVISIONS OF §1111A

- **No PUBLIC SERVANT shall receive any thing of economic value, other than the compensation and benefits to which he is entitled from his governmental employer, for the performance of the duties and responsibilities of his office or position.**
 - **Who is a “public servant?”** A public employee or an elected official.
 - **What is a “thing of economic value?”** A thing of economic value is money or any other thing having economic value. The exceptions to the definition of “thing of economic value” include:
 - (1) Promotional items having no substantial resale value such as calendars, pens, hats, and t-shirts which bear a company's name or logo;
 - (2) Food and drink consumed while the personal guest of the giver. In order for this second exception to apply, the giver or a representative of the giver must be present when the food and drink are consumed;
 - (3) Reasonable transportation and entertainment which are incidental to the food and drink are also allowed. Therefore, this exception does not allow a public servant to accept travel expenses to any location merely because meals are provided during the travel.

GENERAL PROVISIONS OF §1115

- **No PUBLIC SERVANT shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person who has or is seeking a contractual, business, or financial relationship with the public servant's agency.**

- **May a private source who is not a prohibited source under Section 1115 make a donation to the public servant's agency which, in turn, can be used by the agency to reimburse the public servant for travel expenses?**

Yes. If a donation is made to a public agency by a non-prohibited source, the agency may then choose to use the donated funds in any manner legally permissible. If the agency chooses to use the donated funds to pay the travel expenses of the public servant, the travel must be permissible under other state and local regulations which may restrict the public servant.

- **No PUBLIC SERVANT shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from a person who is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.**

The following gift restrictions apply only to public employees:

- **No PUBLIC EMPLOYEE shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person who conducts operations or activities which are regulated by the public employee's agency.**

This restriction pertains to regulatory relationships such as permits or licenses.

- **No public employee or other person shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from a person who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official job duties.**

The second restriction covers situations not covered by the other restrictions. In other words, although the public employee does not regulate the gift giver, nor does the giver have any type of contractual, business, or financial relationship with the public employee's agency, if the public employee is still in a position to affect the economic interest of the giver, then a gift of travel expenses is prohibited.

GENERAL PROVISIONS OF §1123(41)

§1123(41) of the Code provides an exception for the payment of travel expenses directly to the public servant in certain instances. §1123(41) allows a public servant to accept complimentary admission, lodging and transportation to and from an **educational or professional development seminar or conference**. In order for this exception to apply, all of the following criteria must be met:

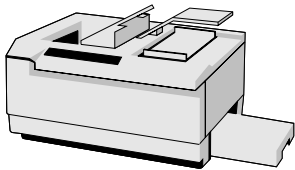
- The public servant is requested or invited to attend by the civic, non-profit, educational or political

organization;

- The sponsor is **not** a person who is compensated to influence the passage or defeat of legislation by the public servant's agency;
- The seminar or conference is related to the public servant's job duties and is designed to enhance the public servant's knowledge or skill as it relates to the performance of his job duties;
- The public servant's agency head gives approval; and
- The seminar or conference is held within the U.S. or Canada.

The public servant who accepts the payment of expenses pursuant to §1123(41) is required to file an affidavit with the Louisiana Board of Ethics **within 60 days** after such acceptance, disclosing the name or the person or organization which paid the expenses and the amount expenses, as well as the person or organization that hosted the seminar or conference.

NOTE: When the public servant's agency pays for the travel expenses, the requirements of §1123(41) do not apply, and the public servant is not required to file and affidavit.



Example #1: You are a parish school board member who, along with the superintendent and other board members, was chosen to select new copy machines for the parish schools. A copy machine company offers you and other members of the committee a trip to Dallas to view copy machines at their expense. May you accept the trip?

Answer: No. You were invited to their office in Dallas to view the copy machines because of your public position as a school board member. Therefore, you may not accept the company's offer to pay your travel expenses under §1111A. The §1123(41) exception does not apply because it is not an educational or professional development seminar or conference. You may, however, go on the trip if you or your agency pays for your expenses.



Example #2: You are a doctor for a state-owned hospital. A vendor of the hospital offers to pay travel expenses for you to attend an out-of-town medical conference which is related to your job duties as a doctor for the hospital. May the vendor pay for your registration for the conference, your hotel, and your transportation to and from the conference?

Answer: Yes, but only if the vendor is not also seeking to influence the passage or defeat of legislation by your agency (the hospital), the head of your agency gives approval, and the conference is being held within the U.S. or Canada. You will be require to file an affidavit with the Board of Ethics within 60 days of accepting these expenses.

Example #3: You are a council member. An ordinance is being considered to grant a franchise to a cable TV company. The company offers to transport you to another city in which they operate so you can observe their operations. May you accept the trip?

Answer: No. The company is seeking to influence legislation to be considered by your body and is a prohibited source under §1115. §1123(41) is not applicable because the trip is not for an education or professional development seminar or conference, and because the company is seeking to influence the passage or defeat of legislation by your agency.

WHAT ABOUT THE GIFT GIVER?

- **No PUBLIC SERVANT or OTHER PERSON shall give, pay, loan, transfer, or deliver or offer to give, pay, loan, transfer, or deliver, directly or indirectly, to any public servant or other person any thing of economic value which such public servant or other person would be prohibited from receiving by any provision of the Ethics Code.**

Thus, persons who **give** prohibited gifts to public servants violate §1117 of the Code and are subject to the enforcement proceedings and penalties for their violation.

The Board encourages public servants to seek advice from the Board as to how the law applies to their own situations by writing for an advisory opinion. Advisory opinions are not issued as to past conduct, but can provide crucial advice on how to avoid problems in the future. If you wish to obtain an advisory opinion, please send your request to the above address. In addition, our staff is available for informal advice at (225) 219-5600 or toll free 1-800-842-6630.

The Board has a web site located at: www.ethics.state.la.us



This information sheet is only a summary of the provisions contained in §1115, §1111A, §1123(41) and §1117 of the Code of Governmental Ethics. If interpretations of this information sheet conflict with the provisions of the Code, the Code will control.