

August 14, 2003

FOR PUBLIC RELEASE

RE: Advisory Opinion A14-03

The School Ethics Commission is in receipt of your request for an advisory opinion. You have asked whether a District vendor can fund your trip, that is, travel, meals and accommodations, to an educational event that it sponsors. You are a superintendent of schools.

The Commission provided this answer at its meeting on July 22, 2003, advising that you would violate N.J.S.A. 18A:12-24(e) of the School Ethics Act if you were to accept funding from a District vendor to attend a conference that it sponsors.

As set forth above, N.J.S.A. 18A:12-24(e) is the subsection that is relevant to your question. It provides, in pertinent part:

No school official, or member of his immediate family, ..., shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. ...

You have set forth that you are aware of the Commission's Policy Guideline #1, which prohibits school officials and their immediate family members from accepting offers of meals or entertainment that are limited to clients or customers of a vendor, but you do not believe that Policy Guideline #1 addresses the particular situation where a

vendor offers to pay the necessary costs for a school official and a guest to participate in an educational event at which the school official makes a presentation. The Commission issued Policy Guideline #1 when the School Ethics Act just went into effect and vendors were wondering how the Act would affect the offers of food and entertainment that they make to school officials. The Commission said:

[T]he Commission has concluded that the hospitality and amenities extended to individual clients and customers are offered for the express purpose of creating a feeling of good will which it is hoped will influence the recipient to favorably consider their product or retain their professional services.

Consequently, the Commission concluded that such offers made by vendors to school officials would constitute a violation of N.J.S.A. 18A:12-24(e), except that vendors could provide hospitality suites or receptions that are open to all persons attending a conference, convention or workshop.

The Commission finds that the same analysis applies to your question. The vendor's payment of travel, meals and accommodations for you and a guest is likely offered to influence you to recommend your District's continued use of the vendor's product. The only difference is that you are making a presentation at the event. Although the fact that you are providing a service to the vendor may lessen the value of the gift, the trip is still a thing of value that the vendor hopes will inure to its benefit in the future. Therefore, the Commission advises that accepting the offer of travel, meals and accommodations to attend a vendor's conference would be accepting a gift with the understanding that the gift was offered for the purpose of influencing you in the discharge of your official duties in violation of N.J.S.A. 18A:12-24(e).

We trust this answers your inquiry.

Sincerely,

Paul C. Garbarini
Chairperson