

ARKANSAS ETHICS COMMISSION

910 West Second Street, Suite 100
Post Office Box 1917
Little Rock, Arkansas 72203-1917
(501) 324-9600 Fax (501) 324-9606
Toll Free (800) 422-7773

Tom Alexander
Chairman

Jack Kearney
Vice Chairman

Ben Allen
Lacy Kennedy
Sally Kibler
Commissioners



Graham F. Sloan
Director

Melissa Dorn Bratton
Robert L. Roddey
Staff Attorneys

Todd Elder
Teresa Keathley
Directors of Compliance

ADVISORY OPINION NO. 2001-EC-004 Issued July 20, 2001

ISSUE:

Whether it would be permissible for a person who holds an elective office to receive reimbursement from the Arkansas Electric Cooperatives, Inc. for food, lodging, and travel expenses incurred in his or her capacity as a member of an advisory panel formed by the Cooperative to study issues such as health care, roads, economic development, and education?

BRIEF ANSWER:

Yes. Although Ark. Code Ann. § 21-8-801(1) prohibits the receipt of a gift intended to reward a public servant for doing his or her job, the Commission concludes that the reimbursements will be paid to the individuals based upon their status as members of the panel and not as public servants.

DISCUSSION:

The Arkansas Electric Cooperatives, Inc. (the "Cooperative") is a non-profit statewide service organization established by the seventeen (17) rural electric cooperatives in Arkansas. In its advisory opinion request, the Cooperative states that it is considering forming an advisory panel to study policy issues affecting rural Arkansas and the communities in and near its service territories.

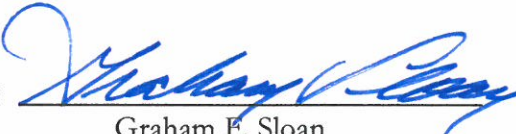
The proposed panel would have members from both the private and public sectors and would meet 3-4 times per year to address topics such as health care, roads, economic development, and education. The Cooperative asks whether it would be permissible for a person who holds an elective office to receive reimbursement from the Cooperative for food, lodging, and travel expenses incurred in his or her capacity as a member of the panel.

It is the Commission's understanding that members of the advisory panel will be reimbursed for actual expenses only. Moreover, the reimbursements will be subject to the daily limits placed on meals and lodging by Ark. Code Ann. § 19-4-903(a)(1) and the rates listed for travel in the Federal Travel Directory.

On the facts presented, it is the Commission's opinion that it would be permissible for a member of the panel who also holds elective office to receive reimbursement for food, lodging, and travel expenses incurred to attend meetings of the panel. Although Ark. Code Ann. § 21-8-801(1) prohibits the receipt of a gift intended to reward a public servant for doing his or her job, the Commission concludes that the reimbursements will be paid to an individual based upon his or her status as a member of the panel and not as a public servant. As recognized in Advisory Opinion No. 99-EC-018, Ark. Code Ann. § 21-8-801(1) does not prohibit a public servant from receiving an item conferred on account of a *bona fide* personal, professional, or business relationship independent of his or her official status.

This advisory opinion is issued by the Commission pursuant to Ark. Code Ann. § 7-6-217(g)(2).

ARKANSAS ETHICS COMMISSION

By: 
Graham F. Sloan
Director