

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 99-EC-018

Issued October 22, 1999

The Ethics Commission has received an advisory opinion request from Secretary of State Sharon Priest. In her opinion request, Ms. Priest asks whether or not she may accept an invitation to participate in a financial planning program.

The program is being offered free of charge by Morgan Stanley Dean Witter to all members of the Arkansas Women's Leadership Forum. The normal cost for the program is two hundred and fifty dollars (\$250.00).

It is the Commission's understanding that the Arkansas Women's Leadership Forum is an unincorporated association which serves as an educational, mentoring, and support program for women in leadership positions across the state. The group has members from both the private and public sectors.

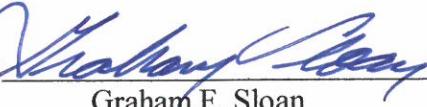
In Advisory Opinion No. 99-EC-007, the Commission opined that Ark. Code Ann. § 21-8-801(1) prohibits the receipt of a gift intended to reward a public servant for doing his or her job. The Commission noted, however, that said statute does not prohibit a public servant from receiving a gift conferred on account of a bona fide personal, professional, or business relationship independent of his or her official status.

On the facts presented, the Commission concludes that participation in the financial planning program is being offered to Ms. Priest because she is a member of the Arkansas Women's Leadership Forum and not because of her official status as Secretary of State. Accordingly, it is the Commission's opinion that Ark. Code Ann. § 21-8-801(1) does not prohibit Ms. Priest from receiving free participation in the program.

Because the value of the program exceeds one hundred dollars (\$100.00), the free participation would constitute a gift within the meaning of Ark. Code Ann. § 21-8-402(5). In accordance with Ark. Code Ann. § 21-8-701(d)(8), Ms Priest would need to report such participation as a gift on her Statement of Financial Interest.

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

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By: 
Graham F. Sloan
Chief Counsel