

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. 2002-EC-002 **Issued March 15, 2002**

The Ethics Commission has received a written request for an advisory opinion from Mr. R. Robert Bailey. In his advisory opinion request, Mr. Bailey asks whether the receipt of free parking by public servants attending Razorback football and basketball games constitutes a prohibited gift.

It is the practice of the University of Arkansas at Fayetteville to provide free parking to certain public servants who purchase season tickets. Specifically, state legislators, constitutional officers, and members of the Higher Education Coordinating Board who purchase season tickets receive a free parking pass to each Razorback football game which is held in Fayetteville. No passes are given for Razorback football games which are held in Little Rock or for Razorback basketball games which are held in Fayetteville.

Some of the parking lots surrounding the stadium are controlled by the Razorback Foundation which provides free parking passes to season ticket holders who have made an annual contribution of \$500 or more to the Razorback Foundation. The passes given out by the University do not grant access to parking lots controlled by the Razorback Foundation but rather to a parking lot near the administration building controlled by the University. Parking spaces in this particular lot are not made available for purchase by members of the public at large.

Private parties in the vicinity of the stadium routinely charge for parking on game days. The usual amount is \$10. During the 2001 season, five football games were held in Fayetteville. The 2002 schedule also includes five Fayetteville games. Thus, the aggregate value of the parking passes for those seasons would be the \$50, \$10 for each of the five games.

Arkansas law, specifically Ark. Code Ann. § 21-8-801(a)(1), prohibits a public servant from receiving a gift which is intended to reward the public servant for doing his or her job. The term "gift" is a statutorily defined term which excludes anything with a value of \$100 or less. Since the aggregate value of the parking passes is \$50, the parking passes do not constitute a gift within the meaning of the applicable statutes. On the facts presented, the providing of free parking passes to public servants is not prohibited by Ark. Code Ann. § 21-8-801(a)(1).

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

ARKANSAS ETHICS COMMISSION

BY: Melissa Dorn Bratton
Melissa Dorn Bratton
Staff Attorney