

DATE: October 18, 1999

RE: IO-99-188

You inquired whether two police officers may attend a three day techno-security seminar in South Carolina being hosted by a consortium of computer software companies and other entities that specialize in this area. The purported mission of the seminar is educational - to provide the participants with specialized information about the use of computers and the applicable software for investigative purposes. The county police department is developing a program with some of its officers that uses these techniques. It has purchased guidance software from a specific vendor that facilitates this work. This same vendor, having learned that the police department will not authorize payment for this seminar, has offered to pay the registration fees and the hotel accommodations for the two officers who would like to attend. The county is willing to pay for the officers' transportation, but the vendor's portion of the expense would be approximately \$1,100.00.

Section 3-106 of the Public Ethics Law prohibits county employees from accepting most gifts from "controlled donors". In this case, the vendor that proposes to pay the fees for this seminar is most definitely such a donor, in that the vendor: 1) does business with the county, specifically, the police department; 2) has financial interests that may be substantially and materially affected by the performance or nonperformance of official duties of the recipients; 3) may lobby the police department to purchase its products or services.

Although there are several exceptions to this general prohibition, the acceptance of seminar fees is not one of the them. And although lodging is a permitted exception to the general rule, it is only permitted when the county employee-recipient is to participate as a panelist or a speaker at the seminar. §3-106(c)(4). Therefore, it is my opinion that the police officers may not accept the payment of registration fees and lodging at this seminar by the vendor who has offered to pay this cost. The officers may attend the seminar, of course, but only if the county, or the police department will pay the expenses.

Please be advised that since you made your inquiry late this morning and require an answer before the end of the day, I have not had time to review my opinion with the members of the ethics commission. Therefore, this letter is not binding upon them. However, I believe that my advice is correct, as it is based on previous ethics commission decisions. See AO 97-132, 98-13, 98-24 and IO-99-64. I will be glad to make this opinions available to you upon request. Thank you for your inquiry.