

September 24, 2004

Re: IO-04-85

You inquired whether employees of your department may attend a seminar, including dinner, on September 29, 2004 at a hotel near the airport. The seminar is sponsored by a local pharmacy and a national pharmaceutical company and will deal with currently used and new psychotropic drugs. This subject is one with which some of your employees need to be familiar. The pharmacy, which is a controlled donor with your agency, has paid for the advertising and the invitations, and has sent out the invitations to customers and others with whom the pharmacy does business. The pharmaceutical company, which is not a controlled donor, is hosting the dinner, for which the estimated cost per person is between \$25 and \$30.

The answer is that your employees may attend the seminar. Although the value of the gift exceeds the "nominal value" exception permitted for occasional meals and beverages offered by controlled donors under §5-106(c)(2)(i), the gift of the meal is being offered by a non-controlled donor, so strictly speaking, that part of the gift is not subject to the gift restrictions. Since the seminar will have professional educational value, it is not a gift given for the private benefit of your employees and therefore, is not subject to the prestige of office provisions of §5-107. *See* IO-03-20.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director