

## ADVISORY OPINION

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REFERENCES: RCW 42.52.140, RCW 42.52.150

SUMMARY OF CHANGES: Updated statutory references.

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### **Accepting Food and Beverages at a Community or Civic Event**

#### **QUESTION**

May state elected officials, state officers and employees accept food and beverage at an inaugural ball and inaugural dinner sponsored by a community or civic organization?

#### **ANSWER**

Yes, RCW 45.52.150(2)(j) and (4)(f) permit state officers and employees to accept admission and food and beverage at events sponsored by a community or civic organization. In addition, the Inaugural Ball constitutes a hosted reception at which food and beverage may be consumed under RCW 42.52.150(2)(f) and (4)(e).

#### **ANALYSIS**

The question concerns the Inaugural Ball. This is an event held every four years to honor the newly elected governor and other state-wide elected officials, members of the legislature and the Supreme Court. The Inaugural Ball has a long history in Washington State as one of the expected and customary functions associated with the inauguration of a governor and other state officials. The Inaugural Ball is sponsored by the Inaugural Committee, which is a group of local citizens in the Olympia area. The Committee hosts state elected officials and certain of their guests. Other attendees purchase tickets to the ball.

The Inaugural Ball is a social event attended by a diverse group of people. Typically there is food and beverage available at the ball but it is not a sit-down meal. There also may be music and an opportunity for dancing. As part of the festivities for the Inaugural Ball, the Inaugural Committee has traditionally held an honored guest dinner for state elected officials. The cost of this dinner has been paid by a corporate sponsor through a donation to the Inaugural Committee. However, the invitees are designated by the Committee by virtue of the office they hold. The elected officials invited are the Supreme Court Justices, legislative leaders and state-wide elected officials. The corporate sponsor has no role in deciding who will be invited.

RCW 42.52.140-150 limit the gifts that may be accepted by state officers and employees. This limit applies to accepting food and beverage. The question is whether state officers and employees, including elected state officials, who are guests of the Inaugural Committee may accept food and beverage at the Inaugural Ball and the Inaugural Dinner.<sup>1</sup> The answer to both questions is yes.

With regard to the Inaugural Ball, RCW 42.52.150(2)(f), (4)(e) permit state officers and employees to accept:

Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties...

In Advisory Opinion 96-06 the Board adopted a two part definition for the term "hosted reception". First, it must be a social event involving a diverse group of people. Second, it involves food and beverage that are not a meal. (For the purpose of this definition, the Board considered a meal to be a sit-down meal where guests are expected to sit down to eat.) Based on our understanding of the event, the Inaugural Ball is a hosted reception, not a meal. It is a social event attended by a diverse group of people that includes state officers and employees and people outside of state government. We also understand that the Ball does not involve a sit-down meal. While the food may be substantial and there may be some tables at which to eat, it is not expected that all those attending the ball will sit down together for a meal.

Acceptance of food and beverage at the Inaugural Ball is also permissible under RCW 42.52.150(2)(j), (4)(f) which permits state officers and employees to accept:

Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization...

In our view, the Inaugural Ball is an event sponsored by a civic or community organization. The Inaugural Ball has a long history in Washington State as one of the expected and customary functions associated with the inauguration of a governor and other state officials. The Inaugural Committee is a community or civic organization in the Olympia area that puts on the event. Therefore, state officers and employees may accept admission and food and beverage at the Inaugural Ball.

The next issue is whether state officers and employees may accept food and beverage at the Inaugural dinner.<sup>2</sup> As we understand it, the Inaugural dinner is part of the festivities of the Inaugural Ball in which the Inaugural Committee invites certain honored guests, namely state elected officials, to dinner.

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<sup>1</sup>The fact that the Inaugural Ball and Inaugural dinner may be held after the usual working hours of most state officers and employees does not limit the application of RCW 42.52.140-150. In Advisory Opinion 96-08 we concluded that there is nothing in the definition of state officer or state employee that limits the person's status to certain working hours.

<sup>2</sup>As we understand this event it is a sit-down dinner in a restaurant. As such it does not meet the definition of a hosted reception would not be permissible under RCW 42.52.150(2)(f), (4)(e).

We conclude that the inaugural dinner is part of the Inaugural Ball event and is therefore permissible under RCW 45.52.150(2)(j), (4)(f).