

ADVISORY OPINION

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REVIEWED ON: August 4, 2016

NEXT REVIEW: August 2021

REFERENCES: RCW 42.52.140, RCW 42.52.150

SUMMARY OF CHANGES: Updated format only.

Acceptance of Meals by a Regulatory Employee

QUESTION

Does a dinner hosted and paid for by a vendor at a national conference meet the exception under RCW 42.52.150(4)(f) for an event sponsored in conjunction with a governmental organization?

ANSWER

When a civic, charitable, governmental or community organization hosts a national conference, an event may be sponsored by a contractor, vendor, or regulated entity and still meet the exception under RCW 42.52.150(4)(f), provided that the sponsored event is included as part of the official conference program, and all conference attendees have an equal opportunity to attend the event. This exception does not apply to separately held events that are only incidental to an allowable event under RCW 42.52.150(4)(f). *NOTE: This advisory opinion is limited to the facts as cited in the opinion, and does not exceed these facts.*

ANALYSIS

An association of governmental agencies which conduct administrative hearings holds an annual conference. Included as part of the official agenda is a sit-down dinner for conference attendees and spouses. A state agency sends three employees to the conference. These employees are "Section 4" employees under RCW 42.52, and participate in contractual matters. A vendor, who does business with the state agency, hosts and pays for the dinner.

The employees paid the vendor from personal funds for the cost of the meal, and later received reimbursement from their agency for the allowable per diem rate for dinner, which was less than the actual cost of the meal. The employees have asked the Board to decide whether, for the purposes of RCW 42.52.150, the dinner meets the exception for a meal sponsored by or in conjunction with a governmental organization, or whether the dinner is considered an event sponsored by a vendor?

An association comprised of members from state and municipal government agencies meets the

governmental exception under RCW 42.52.150(4)(f) which allows regulatory 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; ...

The Board considers that this exception was intended to apply to events sponsored by organizations, and not to events sponsored by vendors or regulated entities.

As to whether “Section 4” employees may accept a dinner paid for by a vendor, the Board finds that an event is considered to be sponsored by an organization when the event appears as part of an official conference program or agenda, regardless of whether a contractor, vendor, or other regulated entity may pay for the cost of food and beverages, and when all conference attendees have an equal opportunity to attend the event.

Based on this analysis, a dinner paid for by a vendor as part of a national conference of governmental agencies would be an allowable exception under RCW 42.52.150(4). This exception would not apply to a separately held event sponsored by a contractor, vendor or regulatory agency, when incidental to an allowable event under RCW 42.52.150(4).