

**ETHICS INTERPRETATION EI-1995-001
ISSUED JANUARY 12, 1995**

The Ethics Commission, in regular meeting, addressed your request for an Ethics Interpretation. You have asked:

May a state officer or employee, who is the representative of the Oklahoma Board of Governors of Registered Dentists, accept reimbursement from the Joint Commission on National Dental Examinations for transportation, lodgings and a \$60 per diem allowance for food to attend a National Dental Examiners' Advisory Forum if the expense involved exceeds \$300, and, if so, what reporting obligations does he or she incur?

You have advised the Commission that the Joint Commission on National Dental Examinations, which is reimbursing a representative among your board members for the cost of transportation, lodgings and a \$60 per diem for food, is an arm of the American Dental Organization, whose lobbying activities are confined to Washington D.C. Hence, neither the Joint Commission on National Dental Examinations nor the American Dental Association retain lobbyists in Oklahoma. You have further advised that the purpose of the conference is to explain the dental examination, which your agency is responsible for administering for purposes of licensure.

Members and employees of the Oklahoma Board of Registered Dentists are state officers and state employees within the meaning of the Constitutional Ethics Rules [Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S.Supp. 1994, Ch. 62, App.]. As such, they are under the jurisdiction of these rules.

The constitutional rules, per Section 257:20-1-9, regulate receipt by state officers and state employees of "things of value" -- including transportation, food and lodging -- if provided by a lobbyist, lobbyist principal, a person doing business or seeking to business with the governmental entity of which the state officer or state employee's employment is a part, or an individual who has a substantial financial interest in actions or matters before or affecting the governmental entity the state officer or employee serves. In pertinent part it provides:

**Restraints on solicitation or acceptance of
anything of value**

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(b) No state officer, state employee, or an immediate family member of a state officer or state employee shall, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive things of value in a calendar year which, in the aggregate, are valued at more than three hundred dollars (\$300) from a person who the state officer or state employee knows or should know:

(1) is a lobbyist or lobbyist principal, provided that the following shall not be subject to this subsection:

(A) things of value received as a result of or arising out of employment by, or doing business with, a lobbyist or lobbyist principal; and,

(B) things of value received from any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal as a result of a personal or causal relationship with the recipient;

(2) is seeking to do business or doing business with the governmental entity of which the state officer's or state employee's officer or employment is a part: or

(3) has a substantial financial interest in actions or matters before or affecting the governmental entity of which the state officer's or state employee's office or employment is a part.

* * *

Section 257:20-1-9(b)

Since the Joint Commission on National Dental Examinations, as an arm of the American Dental Association, has no lobbyists in Oklahoma, is not seeking to do business or doing business with the Board of Governors of Registered Dentists, and has no interest – substantial or otherwise – in actions or matters before or affecting this board, its proposed reimbursement for transportation, food and lodging for the trip in question falls outside the purview of the above stated rule. Therefore, nothing in the Ethics Commission Act [74 O.S. 1991, §4200 et seq.] or the Ethics Commission Constitutional Ethics Rules [supra] prohibits a representative member of this board from accepting reimbursement for transportation, lodging and food offered by the Joint Commission on National Dental Examinations. Since the rule does not apply to these facts, the board's representative will incur no reporting obligation under Section 257:20-1-9(c).

CONCLUSION

It is therefore the ethics interpretation of the Ethics Commission, as voted upon at its regular meeting held January 12, 1995, that nothing in the Ethics Commission Act [supra] or the Ethics Commission Constitutional Ethics Rules [supra] prohibits a representative member of the Board of Governors of Registered Dentists from accepting reimbursement for transportation, lodging and meals offered by the Joint Commission on National Dental Examinations to attend a National Dental Examiners' Advisory Forum, nor, in accepting reimbursement for such transportation, lodgings and meals, does the representative of the board incur any reporting requirement, as set forth in Section 257:20-1-9(c) of the Rules of the Ethics Commission [supra].

Please be advised that ethics interpretations by law will be published by this Commission without identifying petitioners.