

July 10, 1995

**Advisory Opinion 1995 - No. 13**

The Board has received an advisory opinion request from Senator Bob Oke, who has waived confidentiality.

**QUESTION**

Would it be a violation of the ethics law for a legislator to play golf for free, pursuant to guest privileges afforded at a private golf and country club, under the following conditions:

(1) The by-laws of the organization grant guest privileges for golf, tennis, swimming and other exercise facilities at no charge to the following officials: U.S. senators; U.S. representatives; Washington state governor; Washington state legislators; Pierce County council and county executive; Gig Harbor mayor; U.S. military admirals and generals; and the Port of Tacoma director; and

(2) It may be assumed that a weekday round of golf at this facility would cost approximately \$25-\$35, with a higher fee on the weekend?

**OPINION**

Based on the facts as presented in this hypothetical, the Board concludes that it would be an ethical violation to accept the guest privileges offered by the club.

**ANALYSIS**

RCW 42.52.150 prohibits acceptance of gifts "with an aggregate value in excess of fifty dollars from a single source in a calendar year." Although the stated value of the golf privileges on a one-time basis may be less than fifty dollars, the Board assumes that since this is a private club, membership fees are also involved in obtaining the privilege of playing there. With that assumption, any use of the privileges would be valued in excess of the fifty dollar limit.

While there are several exceptions to the definition of "gift" and to the dollar limitation, the only one relevant to this question is RCW 42.52.010(9)(i). That provision exempts "discounts available to an individual as a member of an employee group, occupation, or similar broad-based group." The high-ranking government positions stated in the club's by-laws do not constitute a discernible employee or occupational broad-based group. Even though a fairly large number of individuals may qualify for the free golf privileges, the Board believes that the "discount" exclusion is only appropriate when a truly "broad-based" group is involved, rather than a selection of specific positions.