

September 18, 1995

**Advisory Opinion 1995 - No. 15**

**FACTS**

In June of this year Senator Swecker attended an out-of-state conference for legislators and other government leaders. The senate paid for his registration and travel costs after determining the conference was related to the senator's legislative duties. Spouses were invited to the conference and invited to participate in the agenda. Mrs. Swecker accompanied her spouse. She and the senator paid for her expenses.

Prior to taking the trip, two couples offered to pay the travel costs for both the senator and Mrs. Swecker. The senator rejected the offer for his costs. The senator is now asking the Board whether it would be permissible for him to accept reimbursement from the two couples for the cost of Mrs. Swecker's plane tickets. The senator provides these additional facts: (1) The two couples are long time friends of the Sweckers whom they have known since before the senator's service in the Legislature; (2) The couples are not lobbyists, are not involved in the legislative process and were independently aware of the conference due to their interest in home schooling issues, one of a number of subjects discussed at the conference; and (3) The couples' relationship with the Senator and Mrs. Swecker is based on friendship and involvement in church activities.

**OPINION**

We conclude that Senator Swecker may accept the offer of reimbursement.

**ANALYSIS**

RCW 42.52.010(9)(a) states:

"Gift" means anything of economic value for which no consideration is given.  
"Gift" does not include:

Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee.

In responding to a request for an advisory opinion the Board assumes the accuracy of the facts presented. The facts are that the offer has been made by long time friends of the Sweckers. There are no facts before the Board which would indicate that these friends seek to gain or

maintain influence in the Legislature. The exclusion from the definition of "gift" found in RCW 42.52.010(9)(a) is therefore applicable.

We caution members and employees that this opinion is limited strictly to these facts and this particular exemption. No one should assume that items offered to spouses in other factual situations will necessarily be sanctioned by this Board.

We call attention to our warning, expressed in Advisory Opinion 1995 - No. 10, June 23, 1995, that when lobbyists pay for spouses' expenses there may be a violation of our state's ethics laws. That opinion says, in part:

Also, members and legislative employees participating in tours are advised that their acceptance of payment for items, services, or other benefits that are not reasonably necessary to carry out the educational purpose of the tours and that are paid for by a person or entity with a lobbying purpose may well result in a violation of this rule.\* We particularly caution them against accepting payment for their spouses' travel or lodging and for recreational activities, such as golf or tennis fees. Aside from possibly violating the "reasonable expectation" rule, the payment of these kind of expenses would very likely constitute a "gift" to which the fifty dollar limit would apply.

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\* "this rule" refers to the "reasonable expectation" rule found in RCW 42.52.140