The North Dakota Ethics Commission may issue advisory opinions upon request or on its own motion in accordance with NDCC §54-66-04.2.  Formal advisory opinions interpret ethics laws, rules and Article XIV of the North Dakota Constitution to specified hypothetical facts or prospective conduct. An individual who in good faith relies on a formal advisory opinion may not be subject to civil or criminal penalties provided the material facts surrounding the action are substantially the same as the conduct presented in the opinion.

**ADVISORY OPINION**

**2021-001**

1. The purpose of this opinion is to set standards and conditions for the acceptance by public officials of travel, meals, and lodging from sources other than the agency that the official serves, for travel to a conference, seminar, or similar event. This advisory opinion is initiated by the North Dakota Ethics Commission.
2. “Public official” means any elected or appointed official of the state’s executive or legislative branch, including members of the ethics commission, members of the governor’s cabinet, and employees of the legislative branch, and appointed members of statewide boards or commissions. (NDAC 115-03-02-01(8))
3. A public official may accept travel expenses or reimbursements if the travel is for attendance at a conference, seminar, or similar event that is related to the public official’s duties and is not of such character as to create the appearance of an improper influence on the traveler with respect to that person’s duties.
4. Travel expenses or reimbursements provided under paragraph (C) of this opinion are authorized if the following factors are met:
5. Before travel to the conference, seminar, or similar event, the agency that the official serves determines that:
6. The travel is related to the official’s official duties and would be reimbursable by the agency; and
7. “Travel expenses” are for transportation, meal, and lodging expenses paid for or reimbursed to a public official; and
8. The travel expenses are ordinary, customary, necessary and do not exceed rates as authorized under NDCC 44-08-04 and OMB Fiscal Policy #505, #510 and #511; and
9. The travel expenses are of direct and quantifiable benefit to the state and not the individual; and
10. The travel expenses are not where donor is plainly offering a seminar as part of a general sales/public relations effort; and
11. The travel expenses are not only generally related to the agency interests and involve personal entertainment and favors accruing to the employee personally.

Ronald Goodman, Chair Ward Koeser, Commissioner

Cynthia Lindquist, Vice Chair Paul Richard, Commissioner

David B. Anderson, Commissioner