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To: Virginia Conflict of Interest and Ethics Advisory Council

From: Rebekah Stefanski, Attorney

Date: November 21, 2016

Re: Formal Advisory Opinion 2016-F-013 Travel paid for by a public university within the Commonwealth § 2.2-3101

ISSUE PRESENTED:

You state that a state employee who is required to file a Statement of Economic Interests (the filer) is reimbursed by a public university within the Commonwealth that is not his employer for his travel expenses incurred while providing services to the university on behalf of his agency, the value of which exceeds \$20. You ask if, under the State and Local Government Conflict of Interests Act (the Act), the reimbursement is a gift.

DISCUSSION AND CONCLUSION:

The definition of a gift in the Act includes transportation and local travel, “whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred.”¹ However, “travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state” is specifically excluded from that definition.² Public universities within the Commonwealth are agencies of the Commonwealth, and their boards of visitors remain “under the control of the General Assembly.”³ Therefore, travel provided to a filer by a public university within the Commonwealth is not a gift.

This analysis applies only to the stated facts. If the facts differ, the analysis will change.

¹ VA. CODE ANN. § 2.2-3101. “‘Gift’ . . . includes . . . transportation, local travel . . .”

² *Id.*

³ 1977-1978 Op. Att’y Gen. Va. 65 (1978). “It [the University] acts in a statewide capacity as an agency of the Commonwealth . . .” 1979-1980 Op. Att’y Gen. Va. 404 (1980). “The University . . . is a State agency . . .” See also VA. CODE ANN. §§ 23.1-1400, 23.1-1500, 23.1-1600, 23.1-1700, 23.1-1800, 23.1-1900, 23.1-2000, 23.1-2100, 23.1-2200, 23.1-2300, 23.1-2500, 23.1-2600, 23.1-2700, 23.1-2800, and 23.1-2901.