

Invitation to Dinner Meeting

Legal Opinion: GMP-0048

Index: 6.635
Subject: Invitation to Dinner Meeting
FOIA Exemption 6: Names Withheld

January 23, 1992

MEMORANDUM FOR:

FROM: Sam E. Hutchinson, Assistant General Counsel for Personnel
and Ethics Law

SUBJECT: Attached Invitation to Dinner Meeting

This responds to your inquiry regarding whether you may attend a roundtable dinner and discussion on home equity conversion mortgages (HECMs). You state that Mr. _____ of _____, has invited you to participate in a roundtable discussion on HECMs. Mr. _____ represents Funding, the servicer for most of the HECM loans insured to date, and has advised other lenders interested in the HECM demonstration. The other individuals invited all represent parties that are heavily involved in the HECM demonstration. No formal agenda for the meeting has been set, however, an informal discussion regarding the status of the program is anticipated. You ask whether you may attend the meeting and accept the dinner under Section 0.735-202(b)(2) of the Department's Standards of Conduct regulation. After reviewing this issue, it is my opinion that you may accept the dinner under Section 0.735-202(b)(2) if your supervisor authorizes you to attend this meeting.

The Department's Standards of Conduct regulation prohibits employees from accepting any gift or gratuity from a prohibited source. Nevertheless, certain exceptions do exist. Under Section 0.735-202(b)(2), employees may accept "food and refreshments of nominal value on an infrequent occasion in the course of a business meeting in which the employee is properly in attendance." (Emphasis added). What is contemplated by this exception is the kind of luncheon or dinner attended by a large group at which the employee is a speaker or the real working meeting at which food is brought in to facilitate the continuation of the work and is not itself the focus of the meeting.

It is my opinion that the roundtable meeting to which you've been invited meets these guideline. While you will not be the guest speaker, it appears that you will be asked to share your thoughts regarding the HECM program. Moreover, the work of the meeting, i.e. discussing the program and sharing relevant information, rather than the food appears to be the focus of the meeting. Notwithstanding this opinion regarding acceptance of the dinner, you must still obtain the approval of your supervisor to attend

the meeting.

I trust that this responds to your inquiry. Please contact me or Aaron Santa Anna, Senior Ethics Counsel at 708-2205 should you have further questions.