

National Aeronautics and
Space Administration
Ames Research Center
Moffett Field, CA 94035-1000



August 14, 2008

Reply to Attn of

TO: Distribution
FROM: DL/Chief Counsel
SUBJECT: Determination Regarding the Attendance by NASA Employees at the reception hosted by MAYA Heat Transfer Technologies on August 18, 2008 at San Jose State University

MAYA Heat Transfer Technologies (MAYA) will host an evening reception at the San Jose State University (SJSU) on Monday, August 18, 2008. The reception is being held after the last technical session of that day of the Thermal & Fluids Analysis Workshop (TFAWS), which is a week-long NASA workshop, paid for by NASA using its appropriated dollars, held to encourage knowledge sharing, professional development and networking of the thermal and fluids engineering community within the private and public sectors. MAYA is a software company that distributes advanced thermal analysis and computational fluid dynamics software, and will be offering four hands-on software training sessions during TFAWS. A total of 173 individuals from industry, NASA, other government agencies, and academia are currently registered to attend TFAWS. All of these TFAWS attendees have been invited by MAYA to attend the MAYA evening reception. Of those 173 registered attendees, 58 are NASA civil servants, 22 are JPL/Caltech employees, 14 are representatives of software companies, 18 are SJSU students or professors, 2 are Air Force employees, 13 are NASA contractor employees, and the other 46 are aerospace industry employees. The reception includes appetizers (cheese and crackers, vegetables, etc.), and a cash bar with soft drinks, wine and beer. Attendees will pay for their own drinks and MAYA will provide the food. The total invoice for the food will be, I am advised, \$2162. Thus, the estimated cost to MAYA for the reception will be less than \$13 per person.

I find this event meets the requirements of a "widely attended gathering" as defined in 5 CFR § 2635.204(g). I further determine that there is an Agency interest in having NASA personnel attend the event. NASA employees will have the opportunity to network with academics and industry professionals working in the technical area of thermal & fluids analysis, and to speak directly and informally with the instructors and speakers of TFAWS. Accordingly, NASA employees whose duties do not substantially affect MAYA may accept an invitation for themselves for free attendance at the evening reception.

NASA employees whose duties may substantially affect MAYA, such as by way of procurement duties, should seek an individual determination pursuant to 5 CFR § 2635.204(g)(3)(i) regarding participation in this event from their local ethics counselor.

In the event that trinkets or other mementos are distributed at the event, attendees are reminded of the \$20 gift exception at 5 CFR § 2635.204(a) which provides that employees may accept gifts for themselves (and family members) valued at no more than \$20 per occasion. NASA invitees are reminded not to exceed the \$50 cap on gifts from any one prohibited source in a calendar year.

A handwritten signature in black ink, appearing to read "Thomas W. Berndt".

Thomas W. Berndt

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