

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 00-18**

April 28, 2000

RE: (1) May Kentucky State Police allow Ford to use its insignia?  
(2) May private organization solicit vendors of Kentucky State Police to sponsor dinner for private traffic safety organization?

DECISION: (1) No.  
(2) Yes, provided employees of Kentucky State Police are not involved in record-keeping and do not share information pertaining to vendors.

This opinion is in response to your February 22, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 28, 2000, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Highway Safety Standards Branch of the Kentucky Department of State Police ("KSP") is a member entity of the National Highway Traffic Safety Administration ("NHTSA"), a federally funded agency. The NHTSA annually holds a "Southeastern Colonels Conference" (the "Conference") that is also federally funded and is hosted by a different member entity each year. This year the KSP is hosting the event, which will be held in May of 2000.

In connection with the event, Ford Motor Company ("Ford") has expressed a desire to mark one of its sport utility vehicles ("SUVs") with the KSP insignia to use as a display model during the Conference for purposes of promoting the use of SUVs by law enforcement entities. Ford also wishes, thereafter, to use the KSP-marked vehicle elsewhere, as a display model, at other similar events sponsored by law-enforcement organizations during the ensuing year. Ford currently holds a contract to provide vehicles to the KSP, but these vehicles do not include SUVs. You ask whether it would be a violation of the Executive Branch Code of Ethics for the KSP to allow Ford to use its insignia at the Conference or at other law-enforcement related events.

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Additionally, the Conference will include a dinner. Because of the KSP's role as the host state, KSP officers will be speaking at the dinner and KSP employees will be attending. You anticipate that a private organization of retired KSP employees may arrange for the sponsorship of the dinner so that there will be no charge to Conference participants. As part of these arrangements, the private organization may contact vendors that do business with the KSP and solicit sponsorship of the dinner. You ask whether it would violate the Executive Branch Code of Ethics for the private organization to contact vendors about sponsoring the dinner. Also, you ask whether there are any other ethical concerns connected with KSP employees attending a dinner sponsored by a vendor that does business with the KSP.

KRS 11A.005(1)(a) and (d) provide:

- (a) A public servant be independent and impartial;
- ...
- (d) The public has confidence in the integrity of its government and public servants.

Regarding your first request, the Commission believes that in order for state agencies and their personnel to reflect high standards of ethical behavior, they should take great care not to endorse or promote a specific company or product. Since the KSP insignia is copyrighted, the Commission believes that the KSP should not allow Ford to use the insignia for promotional purposes as it may appear that the KSP is promoting the use of Ford products.

Regarding your second request, the Commission, in Advisory Opinion 00-15 (a copy of which is enclosed), advised the Kentucky Commission on Human Rights that it could allow a sponsorship committee, an entity or individuals outside of state government not regulated by or doing business with the Human Rights Commission, to solicit entities for advertisements, provided Human Rights Commission employees have no involvement in maintaining or viewing any records of contributions.

Similarly, in Advisory Opinion 96-12 (a copy of which is enclosed), the Commission advised the Transportation Cabinet that if an outside organization managed an annual transportation association meeting, including solicitation of potential vendors of the Cabinet, that employees should not be involved in maintaining or reviewing records of contributions.

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Thus, the Commission believes that a private organization of retired KSP employees may arrange for the sponsorship of the dinner, provided employees of the KSP are not involved in the solicitation or record-keeping. Additionally, employees of KSP shall not provide a list of KSP vendors to any retired KSP officer in the private organization. The retired KSP officers should indicate to those being solicited that they are no longer employed by the KSP, but are soliciting for the NHTSA. Because the funds solicited do not appear to be moneys for which the state will be accountable, but for which NHTSA will be accountable, the moneys should be deposited in a separate account outside of state government.

Regarding the acceptance of a meal by KSP employees from a vendor, KRS 11A.045(1) provides:

(1) No public servant, his spouse, or dependent child knowingly shall accept tangible gifts or gratuities totaling a value greater than twenty-five dollars (\$25) in a single calendar year, or travel expenses, meals, alcoholic beverages, lodging or honoraria of any value, from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. The following items are exempt:

...

(c) Meals, beverages, and free admission to an event if the public servant, as a part of his official duty, is a speaker or has a significant role in the program;

...

(k) Meals at conferences or seminars which are included as part of the dues paid or registration fee and which are available to all attendees; and

...

If the dinner is sponsored by a vendor, employees of the KSP are prohibited from accepting the meal, unless it is included as part of a registration fee for the conference, or unless

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the employee is a speaker or panel participant at the dinner. Employees are not prohibited from paying for their own dinners.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: Bertie Oldham Salyer, M.A., A.M.E.

Enclosures: Advisory Opinion 00-15  
Advisory Opinion 96-12

[www.state.ky.us/agencies/ethics/ETHICS.HTM](http://www.state.ky.us/agencies/ethics/ETHICS.HTM)

May 9, 2000

Lt. Col. John B. Lile  
Deputy Commissioner  
Kentucky State Police  
919 Versailles Road  
Frankfort, KY 40601

***Reference: 042800.3***

Dear Lt. Col. Lile:

At its April 28, 2000, meeting, the Executive Branch Ethics Commission took up your request, dated February 22, 2000, in which you ask whether the Kentucky State Police may allow Ford to use its insignia, and whether private organizations may solicit vendors of Kentucky State Police to sponsor a dinner for a private traffic safety organization.

The enclosed Advisory Opinion 00 – 18 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: Advisory Opinion 00-18