

- August 18, 2000

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- RE: Are PVAs subject to local codes of ethics?

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- DECISION: No.

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- This opinion is in response to your June 29, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the August 18, 2000, meeting of the Commission and the following opinion is issued.

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- You state the relevant facts as follows. You are the Property Valuation Administrator ("PVA") in Jessamine County. You have been asked to file a statement of financial disclosure by the Commission, as well as by the Jessamine County Fiscal Court. You ask if you are required to file both. You also ask whether you are subject to the Executive Branch Code of Ethics or the county code of ethics.

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- In Advisory Opinions 92-10 and 93-24 (copies of which are enclosed), the Commission concluded that PVAs are state officials and are subject to the state Executive Branch Code of Ethics. Thus, PVAs are subject to the requirement in KRS 11A.050(1) that requires state officials to file a statement of financial disclosure with the Commission.

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- Additionally, in Advisory Opinion 97-14 (a copy of which is enclosed), the Commission stated the PVAs must comply with the Executive Branch Code of Ethics and may not choose to comply with an ethics code adopted by a local governing body instead.

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- The enabling statute for local codes of ethics, KRS 65.003(1) provides:

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- (1) The governing body of each city and county, including urban-counties and charter counties, shall adopt, by ordinance, a code of ethics which shall apply to all elected officials of the city or county, and to appointed officials and employees of the city or county government as specified in the code of ethics.

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- The elected officials of a city or county to which a code of ethics shall apply include the mayor, county judge/executive, members of the governing body, county clerk, county attorney, sheriff, jailer, coroner, surveyor, and constable but do not include members of any school board. Candidates for the city and county elective offices specified in this subsection shall comply with the annual financial disclosure statement filing requirements contained in the code of ethics.

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- Such statutory language does not include the PVA as an elected city or county official. Thus, the Commission concludes that a PVA is not subject to a local code of ethics and is not required to file a statement of financial disclosure for a local ethics commission, but must file a statement with the Commission.

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Sincerely,

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Executive Branch Ethics Commission

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By Chair: Bertie Oldham Salyer, M.A., A.M.E.

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Enclosures: Advisory Opinion 92-10
Advisory Opinion 93-24
Advisory Opinion 97-14