

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 00-44
August 18, 2000

RE: May the Office of the Governor accept cards from Hallmark Cards, Inc. to use in its immunization card program?

DECISION: Yes, provided Hallmark Cards, Inc. is not doing business with or attempting to influence the actions of the Office of the Governor or any agency over which the Governor has authority.

This opinion is in response to your July 14, 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.

You state the relevant facts as follows. Hallmark Cards, Inc. has offered to provide the Commonwealth of Kentucky with specially designed, newborn congratulatory cards to encourage new parents to have their babies immunized. Hallmark does not plan to include the contribution of cards as a lobbying expense because it does not involve any attempt to influence legislation. It appears to you that Hallmark's immunization card program is informational because it is designed to educate parents and not to further the political campaign of any elected official. As part of its program, Hallmark requires that each governor provide an opinion from the agency responsible for lobbying and campaign disclosures as to the ability of the state to receive and distribute the immunization cards. You ask for an opinion on the implementation of the immunization card program in the Commonwealth.

KRS 11A.045(1) provides:

- (1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is

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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. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

The Commission believes that, provided Hallmark Cards, Inc. is not doing business with the Office of the Governor or attempting to influence the actions of the Governor or another state agency over which he has authority, the Office of the Governor may accept the cards from Hallmark to be used for the immunization card program.

In order to address fully your campaign disclosure and lobbying concerns, the Commission also believes that you may want to have this question addressed by the Legislative Ethics Commission as well as the Kentucky Registry of Election Finance.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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