

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 00-53
September 22, 2000

RE: May Justice Cabinet officials attend function hosted by local police chief?

DECISION: Yes, but should consider impact on public confidence.

This opinion is in response to your August 18, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 22, 2000, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Division of Grants Management within the Justice Cabinet (the "Division") receives federal funds that it disburses in accordance with federal regulations. The Division receives applications from, and awards grants to, local police departments. In order to receive a grant, the local police department must have at least 24 arrests for violent crimes over a three-year period or it may establish need by a written request. A panel of readers from the Division evaluates the applications and their scores are averaged to determine whether a local police department receives a grant. If the application score is above a predetermined number, the local police department receives the grant.

The Jamestown Police Department has applied for and been awarded federal grants of between \$5000 and \$6000 in the years 1997, 1998 and 1999, and it has applied for a grant again this year. The Chief of the Jamestown Police Department is hosting a cookout on a houseboat at Lake Cumberland and has invited the Justice Cabinet Secretary, the Director of Administrative Services, and some of the Cabinet's grant staff. He also has invited local city and county officials and some legislators. You ask whether the employees of the Justice Cabinet may attend such a function.

KRS 11A.045(1) provides:

- (1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel

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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 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 the Justice Cabinet Secretary, the Director of Administrative Services, and other grant staff are not prohibited from attending the cookout on the houseboat provided by the Chief of the Jamestown Police Department as long as they pay a fair value for the food and boating service they receive (assuming the value is greater than \$25).

However, even though the Commission believes that the law allows the employees to participate in the cookout provided they reimburse the Chief a fair value, the Commission advises the Cabinet Secretary, Director of Administrative Services, and the other employees on the grant staff to consider what impact their attendance at the event will have on the public's confidence in the administration of the grant award process. If their attendance will cause other local police departments to question the independence of the Justice Cabinet in awarding federal grant monies, then the Commission would advise the employees not to attend the function.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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