

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 00-62**  
November 3, 2000

RE: May public servant accept sporting event ticket that has been allocated to and paid for by vendor?

DECISION: No, unless public servant pays face value for the ticket.

This opinion is in response to your October 11, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 3, 2000, meeting of the Commission, and the following opinion is issued.

You ask whether Section 6 of House Bill 511, now codified as KRS 11A.045(2), enacted during the 2000 Regular Session of the Kentucky General Assembly, allows a public servant to accept a ticket for admission to a sporting event if the admission is paid for at face value by the individual (other than the public servant) to whom the ticket is allocated. Specifically, you ask if a ticket is allocated to a vendor of your agency and the vendor pays face value for the ticket, may the public servant accept the ticket from the vendor without reimbursing the vendor?

Additionally, you ask whether "individual", as used in KRS 11A.045(2), includes businesses and other entities as well as person.

KRS 11A.045 (1) and (2) provide:

(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 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

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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.

(2) Nothing in KRS Chapter 11A shall prohibit or restrict the allocation of or acceptance by a public servant of a ticket for admission to a sporting event if the ticket or admission is paid for by the public servant at face value or is paid for at face value by the individual to whom the ticket is allocated.

KRS 11A.045(2) allows a public servant to accept a ticket to a sporting event from a vendor or someone trying to influence actions of the employee's agency if the public servant pays face value for the ticket. Additionally, if a ticket is allocated to an individual who is not a public servant and that individual pays face value for the ticket and subsequently gives the ticket to the public servant, the public servant may accept the ticket if there is no regulatory or business relationship between this individual and the state agency for which the public servant works or supervises. However, if the person to whom the ticket is allocated is a vendor of, is regulated by, or is seeking to influence the actions of, the public servant's agency, then KRS 11A.045(1) would not allow the public servant to accept the sporting event ticket unless the public servant pays face value for the ticket.

Furthermore, the Commission advises you, before paying face value to a vendor for tickets that may be sold out or very difficult to obtain, to consider what impact the purchase of such tickets may have on the public's confidence in the independence of your state agency. If the public's confidence in such independence may be jeopardized, then the Commission advises you not to purchase such tickets.

The word "individual" is not defined in KRS Chapter 11A. Thus, the Commission looks to Webster's II New Riverside University Dictionary, which defines "individual" as, *1. a. Of or pertaining to a single human being; b. By or for one person.* Thus, in response to your question, the Commission does not believe that "individual" includes businesses and other entities.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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