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ADVISORY OPINION 00-71 (121500.4)

December 15, 2000

RE: May KET allow company to use article written by employee for advertising purposes?

DECISION: ???

This opinion is in response to your October 31, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the December 15, 2000, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. Kentucky Educational Television's ("KET") Director of Transmission Systems wrote an article, "KET Monitors with Modulation Sciences", which was published in the October 18, 2000 issue of *TV Technology*. Subsequently, Modulation Sciences, a for-profit company, has requested permission from KET to reprint the article to hand out to customers and at trade shows. You ask for an opinion as to whether it would be appropriate for KET to give permission to Modulation Sciences to use the article in this manner.

Option 1

As reflected in previous advisory opinions, the Commission believes that state agencies should reflect high standards of ethical behavior, and they should not endorse or promote a specific company or product. Because this product is related to the mission of KET, because its sale will not benefit any employees of KET or the agency itself, and because the article does not reflect that it is promoting the sale, but rather the use, of this product, the Commission believes that KET may allow Modulation Sciences to hand out the article to customers and at trade shows. However, KET should take great care not to reflect that it is promoting or advertising a specific company through the use of this article.

Option 2

As reflected in previous advisory opinions, the Commission believes that state agencies should reflect high standards of ethical behavior, and they should not endorse or promote a specific company or product. Although this product is related to the mission

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of KET and its sale will not benefit any employees of KET or the agency itself, because the article does reflect that it is promoting the sale and use of this product, the Commission believes that KET may not allow Modulation Sciences to hand out the article to customers and at trade shows. KET should take great care not to reflect that it is promoting or advertising a specific company through the use of this article.