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EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 00-73

December 15, 2000

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RE: May Lieutenant Governor promote EMS files project?

DECISION: Yes, but he should not promote any companies or organizations sponsoring the project.

This opinion is in response to your December 7, 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. A local television studio has offered to allow the Lieutenant Governor to film a promotional advertisement on the Emergency Medical Services ("EMS") files project. The EMS file is a large refrigerator magnet that has a pocket to insert personnel medical information on a form for EMS personnel to locate when called to person's home during an emergency. The EMS files are free to the public. The EMS files are funded by Anthem Blue Cross/Blue Shield, the University of Louisville Health Care, the Kentucky Nurses Association, WHAS television, WLEX television and the EMS file company in return for advertising on the outside of the EMS file. You ask for an opinion as to whether the Lieutenant Governor may promote or endorse the EMS files project.

KRS11A.005 (1)(a) and (d) provide:

- (1) It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that the proper operation of democratic government requires that:
 - (a) A public servant be independent and impartial;
 - ...
 - (d) The public has confidence in the integrity of its government and public servants.

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The Commission has issued several previous advisory opinions reflecting that state agencies should uphold high standards of ethical behavior and should not endorse or promote a specific company. In this instance, however, the Lieutenant Governor's endorsement of the EMS files project does not appear to be promoting a specific product or service of which the distribution will provide a profit to a specific company, but rather he will be endorsing a public service product not associated with any one business or organization. Although this product does advertise, on its cover, specific businesses and organizations, the Commission does not believe that an endorsement of the EMS files project would be an endorsement of those specific businesses and organizations.

Thus, the Commission believes that the Lieutenant Governor may promote the distribution of the EMS files project through a local television advertisement. However, in any public promotion that the Lieutenant Governor does for the EMS files project, he should not mention or promote in any way the businesses and organizations that are sponsoring the project. Additionally, if this promotion is to be performed on state time, the Lieutenant Governor should ascertain that it is related to the mission of the Office of the Lieutenant Governor.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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