

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 01-33**  
September 28, 2001

RE: May Executive Director serve on Tourism Commission?

DECISION: Yes.

This opinion is in response to your August 14, 2001, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 28, 2001, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Frankfort Area Chamber of Commerce ("Chamber") proposes to appoint the Executive Director of Capital Plaza Operations, Finance and Administration Cabinet, to the Frankfort/Franklin County Tourist and Convention Commission ("Tourism Commission") as the Chamber's representative. The Executive Director currently serves on the board of the Frankfort Chamber of Commerce. The Executive Director will not receive any compensation for this appointment or his service.

The Executive Director's official position includes management and marketing of the Farnham Dudgeon Civic Center ("Civic Center"). The Civic Center co-sponsors a joint advertising campaign with the Tourism Commission to highlight Frankfort's facilities, but it does not provide funding for the Commission. You ask whether the Executive Director may accept an appointment to the Tourism Commission.

KRS 11A.020(1)(a) provides:

- (1) No public servant, by himself or through others, shall knowingly:
  - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 01-33**

September 28, 2001

Page Two

Although the Civic Center and the Tourism Commission share advertising expenses, it does not appear that the Executive Director or the Civic Center is involved in matters involving funding or other financial decisions affecting the Tourism Commission. Thus, the Commission believes that the Executive Director may accept the appointment to serve on the Tourism Commission as the Chamber's representative. If the Executive Director does become involved, as part of his official duty, in pecuniary matters involving the Tourism Commission, an appearance of, if not an actual, conflict may exist, and the Executive Director should consider resigning his position on the Tourism Commission.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

---

BY CHAIR: Cynthia Stone, J.D.