

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 02-35

June 28, 2002

RE: May General Counsel of the Kentucky Real Estate Commission teach pre-license course for adult education program?

DECISION: No.

This opinion is in response to your June 11, 2002, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 28, 2002 meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are the General Counsel for the Kentucky Real Estate Commission. The Real Estate Commission issues licenses, provides education, and upholds real estate license laws. In order to obtain a real estate license in Kentucky, an applicant must complete 96 hours of pre-license training. You have been asked if you would be interested in teaching a pre-license course next fall for the Jefferson County Adult Education program. You would be hired and paid for this work by the Adult Education program. The Adult Education program does not receive funding from the Real Estate Commission. However, you would have to be approved by the Real Estate Commission as an instructor of a pre-license course. You ask if you would be allowed to teach such a course given that you would have to be approved by the Real Estate Commission.

In the alternative, you ask if your mother, who is a teacher, would be able to teach the course, or would you be able to co-teach the course.

KRS 11A.020(1) - (d) provides:

(1) No public servant, by himself or through others, shall knowingly:

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(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;

(b) Use or attempt to use any means to influence a public agency in derogation of the state at large;

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

In Advisory Opinions 97-26 and 99-1, the Commission stated that the General Counsel for the Kentucky Board of Registration for Professional Engineers and Land Surveyors should not teach a continuing professional education seminar if the seminar had to be approved by the Board. Similarly, the Commission believes that the fact that you must be approved by the Real Estate Commission in order to teach the class presents a conflict between your personal interest and your duties in the public interest. Thus, you should not teach a class for the Adult Education program for which you need approval of the Real Estate Commission.

Your mother is not prohibited from teaching classes for the Adult Education program provided you have no involvement in her approval by the Real Estate Commission.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Cynthia C. Stone, Esq.

Enclosures: Advisory Opinion 97-26
Advisory Opinion 99-1