

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 03-12**

March 25, 2003

RE: May interpreter relations coordinator work as a freelance interpreter upon resignation from employment?

DECISION: Yes.

This opinion is issued in response to your March 12, 2003, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the March 25, 2003 meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are currently employed as the interpreter relations coordinator for the Kentucky Commission on the Deaf and Hard of Hearing "KCDHH"). As such you are responsible for handling requests by other state agencies for contract interpreters. Your position allows you contact with various interpreters, as well as information about different state agency's need for interpreters.

You plan to resign your state employment and begin work as a freelance interpreter. Your new work will involve a variety of assignments including interpreting for medical appointments, mental health situations, post-secondary education, conferences, and courts. You ask whether your current position will prevent you from obtaining work from the KCDHH upon your resignation.

Please find enclosed a copy of *Leaving State Government?* that will provide you with guidance concerning your anticipated post-employment activity. Because you are not an officer as defined in KRS 11A.010(7), you are not subject to the post-employment restrictions in KRS 11A.040(6) or (7). Thus, upon your resignation you may immediately accept contract employment with the KCDHH and other state agencies as an interpreter, provided you do not use your current position to give yourself an advantage in your post-employment activities.

In your post-employment activities, you are not prohibited from using general knowledge gained in the interpretation coordination area in any private endeavor in which you embark. See

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Advisory Opinion 93-43, enclosed. However, the Commission advises you not to use any specific knowledge or information gained, such as names of interpreters, unless such a list is available to the general public or can be obtained elsewhere. Use of proprietary information, which is only available to you because of your official position, may be a violation of KRS 11A.020(1)(d), which provides:

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

...

(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.

Additionally, you are subject to the restrictions in KRS 11A.040(8) and (9) stated below:

(8) A former public servant shall not act as a lobbyist or lobbyist's principal in matters in which he was directly involved during the last thirty-six (36) months of his tenure for a period of one (1) year after the latter of:

- (a) The date of leaving office or termination of employment; or
- (b) The date the term of office expires to which the public servant was elected.

(9) A former public servant shall not represent a person or business before a state agency in a matter in which the former public servant was directly involved during the last thirty-six (36) months of his tenure, for a period of one (1) year after the latter of:

- (a) The date of leaving office or termination of employment; or
- (b) The date the term of office expires to which the public servant was elected.

"Represent" means to attend an agency proceeding, write a letter, or communicate with an employee of an agency on behalf of someone else. You are not prohibited from immediately

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representing yourself before the KCDHH, but are prohibited from representing another interpreter before the KCDHH or any other state agency in a particular matter in which you had direct involvement during the last three years of your state employment. You are not prohibited from immediately representing another interpreter before a state agency in a new matter in which you were not directly involved during the last three years.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: Joseph B. Helm, Jr.

Enclosures: Advisory Opinion 93-43  
*Leaving State Government?*