

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 03-14**

March 25, 2003

RE: Does board member's service, in light of the fact that the board member works for an agency that receives grant funding from the board, create a potential conflict?

DECISION: Yes, however, the board member is not subject to the jurisdiction of the code of ethics.

This opinion is in response to your February 7, 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 Acting Chair of the Child Sexual Abuse and Exploitation Prevention Board (the "Board"). The Board, which is composed of five state agency representatives and ten public members appointed by the Governor, is staffed by employees of the Office of the Attorney General. The Board's mission is to fund awareness and prevention programs related to child sexual abuse and to reimburse funds spent for examinations of suspected child sexual abuse victims. The Board grants funding based upon its review of the quality of programs to be offered among the available prevention programs.

Recently, the Governor appointed, as a public member, someone who is employed by Seven Counties, a community mental health center based in Louisville that provides services to a seven county region. During fiscal year ended June 30, 2003, Seven Counties applied for and was awarded a grant in the amount of \$4,000 to subsidize the cost of prevention materials used for a child sexual abuse awareness program. The board member in question serves as the Designated Sexual Abuse Coordinator for the program administered by Seven Counties. You ask: *"In light of the provisions of KRS Chapter 11A, and the appearance of propriety that should be observed by the Board, is (the Board member's) service on the Child Sexual Abuse and Exploitation Prevention Board appropriate?"*

Executive Branch Ethics Commission  
ADVISORY OPINION 03-14  
March 25, 2003  
Page Two

Pursuant to Advisory Opinion 93-53 (a copy of which is enclosed), the members of the Board are not subject to the Executive Branch Code of Ethics (the "Code"), although the Code does apply to staff supporting the Board and any members of the Board who are also state employees.

Therefore, the board member who is an appointed public member is not subject to the jurisdiction of the Code. However, it appears that as the Acting Chair you recognize the potential conflict that exists for the member who also serves in a position for Seven Counties and oversees funds obtained in a grant from the Board.

Thus, the Commission advises the Board, in order to avoid any actual conflicts or appearances of impropriety, to adopt an internal policy that would require Board members who may have a personal interest in a grant, to abstain from any Board involvement in the discussions, awarding of, or monitoring of such a grant. See Advisory Opinions 00-60 and 01-13.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: Joseph B. Helm, Jr.

Enclosures: Advisory Opinion 93-53  
Advisory Opinion 00-60  
Advisory Opinion 01-13