

Executive Branch Ethics Commission
ADVISORY OPINION 07-34
October 19, 2007

RE: May state agency co-sponsor a conference with another state and acknowledge co-sponsorship on conference materials?

DECISION: Yes, with certain limitations.

This opinion is issued in response to your September 24, 2007, request for an Advisory Opinion from the Executive Branch Ethics Commission (“Commission”). This matter was reviewed at the October 19, 2007, meeting of the Commission and the following opinion is issued.

You indicate that your agency is co-sponsoring a conference that will be held in another state. Your co-sponsor of the conference, an agency of another state, wants to recruit sponsors for the conference. You indicate that this has not typically been allowed in Kentucky. You ask whether it poses a problem for your agency’s name to be on the conference materials if the other state is recruiting sponsors for the conference.

KRS 11A.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.

In previously issued advisory opinions (copies of which are enclosed), the Commission has had occasion to review and provide guidance for state agencies hosting conferences and for solicitation of sponsors for the conferences. In those opinions, the Commission provided guidance that a state agency may solicit financial sponsorship for conferences provided the entity solicited is not doing business with, regulated by, or seeking to influence some future action of

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the agency, has no prior business relationship with the agency, and is not an association that represents the interests of entities that have business relationships with the agency.

The Commission also has opined (Advisory Opinion 02-28) that an agency head may allow his name to be included in solicitation letters sent to prospective donors for the conduct of an annual meeting of an organization that promotes the interests of the agency, even if such prospective donors do business with or are regulated by the agency, as long as the agency head does not directly solicit the sponsors. Similarly, the Commission believes if the conference is promoting the interests of your state agency, that your agency may co-sponsor the conference with the another state that solicits sponsors, and acknowledge such co-sponsorship in conference materials, as long as employees of your agency are not involved in the solicitation of such financial sponsorship from entities that do business with, are regulated by, or are seeking to influence some future action of your agency.

Further, if the solicitation by the other state includes soliciting sponsorship from entities that may do business with, be regulated by, or seek to influence your agency, the record keeping of donations should not be maintained or reviewed by your agency or its employees.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

By Chair: John A. Webb

Enclosures: Advisory Opinion 00-55
 Advisory Opinion 04-31
 Advisory Opinion 05-43
 Advisory Opinion 02-28