

Executive Branch Ethics Commission  
**ADVISORY OPINION 07-42**  
December 14, 2007

**RE:** May State Park Historian conduct book signing at commemorative event?

**DECISION:** Yes, within limitations.

This opinion is issued in response to your November 28, 2007 request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the December 14, 2007 meeting of the Commission and the following opinion is issued.

You provide the relevant facts as follows. The Department of Parks ("Parks") is planning an event to commemorate the 200<sup>th</sup> birthday of Jefferson Davis in June of 2008. The State Park Historian, who also is a state park manager of Waveland Historic Site, on his own time and with his own resources has authored a book entitled, "The Image of Jefferson Davis," and plans to publish it in March of 2008. Due to its relevant nature, Parks would like to sell the State Park Historian's book and have him conduct a book signing during the commemorative birthday event. Also, Parks would like to have a Kentucky Supreme Court Justice to sign his books related to the event as well. You ask whether Parks may allow the State Park Historian to conduct a book signing at the commemorative event, and whether Parks may sell his books at the event.

KRS 11A.020(1) and (2) provide:

- (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;
  - (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.
- (2) If a public servant appears before a state agency, he shall avoid all conduct which

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might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

KRS 11A.020 (1), provided above, prohibits an employee from using his official position to give himself an advantage or a financial gain. Although in this situation the State Park Historian may receive an advantage by conducting the book signing and possibly a financial gain, he is not using his official position to give himself such an advantage, but rather other employees not under his supervision are making the decision to allow him to participate in the book signing. The State Park Historian has not been asked to conduct the book signing for this commemorative event because of his current state position, but because of his private accomplishment of publishing a book related to this commemorative event. It does not appear that it is part of his state position to issue such a publication, nor is it part of the mission of Parks to publish such a text.

Thus, the Commission believes that Parks may allow the State Park Historian to conduct a book signing at the event planned to commemorate the 200<sup>th</sup> birthday of Jefferson Davis provided he conducts the book signing on his own time and does not use any state time or resources. Moreover, in order to remove any potential for conflict in his conduct of the book signing, any decision to allow him to conduct a book signing should be made by employees not under his supervision, and he should not be compensated in any way by Parks.

Further, Parks is not prohibited from purchasing such books from the publisher and/or another vendor and selling such books in its gift shops or at special events as long as the State Park Historian does not have an agreement directly with Parks to sell his books. Although, he may receive a royalty from the sale of his book, the Commission does not believe that such a royalty he receives is enjoying a part of a contract or agreement that Parks may have with a vendor to purchase the book.

The Commission cautions that the State Park Historian should make a clear distinction between his private conduct at the book signing, and his official duties as State Park Historian and Waveland Historic Site Park Manager so as not lead the public to believe that he is using his official position in any way to give himself an advantage privately, pursuant to KRS 11A.020(2) above. Also, see enclosed Advisory Opinions 99-26 and 04-33.

Sincerely,

**EXECUTIVE BRANCH ETHICS COMMISSION**

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By Vice Chair: E. Patrick Moores

Enclosures: Advisory Opinion 99-26  
Advisory Opinion 04-33