

Executive Branch Ethics Commission  
**ADVISORY OPINION 09-29**  
November 13, 2009

**GIFTS EXCEPTION NO. 2009-5**

**RE:** May the General Counsel of the Kentucky Real Estate Commission accept wedding gifts and a bridal shower from persons or businesses that do business with, are regulated by, are seeking grants from, are involved in litigation against, or are lobbying or attempting to influence the actions of the Kentucky Real Estate Commission?

**DECISION:** Yes, provided the gifts and bridal shower are reasonable in value.

This opinion is issued in response to your September 16, 2009 request for an exemption to KRS 11A.045(1) from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 13, 2009 meeting of the Commission and the following opinion/exemption is issued.

The relevant facts are as follows. You are the General Counsel of the Kentucky Real Estate Commission. You are planning to get married in May 2010, and anticipate that you will receive customary wedding gifts from family members, friends, and other guests. You also state that some of these individuals may throw you a bridal shower. You indicate that several of your friends or relatives are licensees of your agency. You are therefore asking the Commission to issue an exemption pursuant to KRS 11A.045(1) granting you authorization to accept wedding gifts from such individuals, as well as a bridal shower.

KRS 11A.045(1) provides:

(1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing

contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

KRS 11A.010(5) defines "gift" as follows:

"Gift" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; "gift" does not include gifts from family members, campaign contributions, or door prizes available to the public

Based on the language above, you are prohibited from accepting gifts with a value of over \$25 from any person or business doing business with, regulated by, seeking grants from, involved in litigation against, or lobbying or attempting to influence the actions of your state agency (Kentucky Real Estate Commission) or any other agency over which you would have authority to supervise, if any. However, you are not prohibited from accepting gifts from persons or businesses that do business with, are regulated by, are seeking grants from, are involved in litigation against, or are lobbying or are attempting to influence the actions of state agencies for which you do not work or have supervisory authority.

Additionally, the Commission grants an exception, pursuant to KRS 11A.045(1), for you to accept customary wedding gifts, as well as a customary bridal shower/gifts, from persons or businesses that do business with, are regulated by, are seeking grants from, are involved in litigation against, or are lobbying or attempting to influence the actions of the Kentucky Real Estate Commission, provided such gifts are reasonable in value.

As an "officer" as that term is defined in KRS 11A.010(7), you are required to file an annual Statement of Financial Disclosure with the Commission. Please note that this exception does not affect your requirement under KRS 11A.050 to report any gift you or your spouse receives if it has a value of more than \$200 and it is not from a family member as defined in KRS 11A.010(4).

Sincerely,

**EXECUTIVE BRANCH ETHICS COMMISSION**

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By Chair: Gwen R. Pinson

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