

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 93 – 19**

May 10, 1993

RE: Employee asks whether participation in seminar for "honorarium" is allowed.

This letter is in response to your May 3, 1993 request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the May 10, 1993 meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are currently the Director of Legal Services for the state agency which administers state tax laws. You also have been participating in the past as a speaker on state tax matters in a seminar for private tax attorneys and tax preparers sponsored by a private service agency. As a speaker, you receive a "per head" honorarium based on the number attending the seminar. You have received your commissioner's approval to participate in the seminar. You take the day off to participate and you do not use work-related resources in the seminar.

You relate that your situation was used as an example of improper behavior under the provisions of KRS 11A.040(5) during an in-house training seminar:

KRS 11A.040(5) provides:

No public servant shall knowingly accept compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commissioner.

KRS 11A.020(1)(c) provides:

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

...

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;

From the information provided, it appears to the Commission that you have been invited to speak at the seminar because of your official position with state government. Also, it appears that the subject matters of the seminar are the same matters which you handle regularly in your state job. It seems to the Commission that educating tax attorneys and preparers about the state's tax laws is part of the official duties of you and your agency.

While the Commission would not discourage your participation in such educational events, we disapprove of your receiving outside compensation for such participation.