EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93 – 25

June 7, 1993

RE: Cabinet secretary invited to attend forum sponsored by state vendor

This letter is in response to your May 13, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 7, 1993, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. The Secretary of your cabinet has been invited to attend a forum sponsored by a state vendor. A continental breakfast and lunch will be served during the forum. Your agency is considering a computerization of the entire agency, and the Secretary has final approval of contracts on which the vendor may bid.

As General Counsel for your cabinet, you are asking whether the Cabinet Secretary's attendance at this forum would be governed by KRS 11A.040(2) and also if the fee would be considered a gift to the Secretary under 11A.050(3)(k).

Since your initial request, you have learned that the forum fee was waived for all participants. In substance, there was no forum fee to attend.

In the Commission's opinion, the Executive Branch Code of Ethics (KRS Chapter 11A) does not prohibit the secretary's attendance at the forum.

The Commission views the matter in light of the fact the Secretary's agency is considering a major contract on which the forum's sponsor may bid and in light of KRS 11A.005(1) which states in part:

. . . 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.

If it is worthwhile and in the public interest for the Secretary to attend the forum, then the state should pay for the Secretary's expenses, including any fee charged those in attendance. State payment of expenses will act to support public confidence in the impartiality of any contract-award process in which the Secretary's agency and the forum sponsor are involved.