

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93 – 47

September 20, 1993

RE: Limitations on future employment options of former state employee

This opinion is in response to your August 23, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 20, 1993, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. Effective August 31, 1993, you resigned from your position as executive director of the Office of Communications in the Cabinet for Human Resources. Your position in communications did not involve any regulatory responsibilities, policy development, negotiation, or contact with any of the entities regulated by the Cabinet. You request a clarification on whether the future employment restrictions in the executive branch ethics law apply to you.

KRS 11A.040(6) through (8) provides as follows concerning future employment prohibitions:

(6) No present or former public servant shall, within six (6) months following termination of his office or employment, accept employment, compensation, or other economic benefit from any person or business that contracts or does business with the state in matters in which he was directly involved during his tenure. This provision shall not prohibit an individual from returning to the same business, firm, occupation, or profession in which he was involved prior to taking office or beginning his term of employment, provided that, for period of six (6) months, he personally refrains from working on any matter in which he was directly involved in state government. This subsection shall not prohibit the performance of ministerial functions including, but not limited to, filing tax returns, filing applications for permits or licenses, or filing incorporation papers.

(7) A former public servant shall not act as a lobbyist or lobbyist's principal for a period of one (1) year after the latter of:

- (a) The date of leaving office or termination of employment; or
- (b) The date the term of office expires to which the public servant was elected.

(8) A former public servant shall not represent a person in a matter before a state agency in which the former public servant was directly involved, for a period of one (1) year after the latter of:

- (a) The date of leaving office or termination of employment; or

(b) The date the term of office expires to which the public servant was elected.

The provisions cited above apply to all former executive branch employees. While the Commission appreciates your desire to comply with the Ethics Code, the Commission is not in a position to issue an opinion without knowing specific information about your future employer and about that employer's business relations with the state. We can see that the interpretation of "directly involved" might be difficult in light of the rather broad nature of your former duties. We do not believe we should say more without further specific information.