

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93 – 48

September 20, 1993

RE: Employee asks for review of opinion on continuing education courses taught

This opinion is in response to your August 30, 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. You are employed as a Radon Coordinator in the Department for Health Services of the Cabinet for Human Resources. Your job relates only to radon and you have no responsibilities or interaction with the Radiation Producing Machine and Operator Certification Section of the department, which certifies x-ray technologists and licenses x-ray machines. When you accepted this position you requested a legal review and an opinion as to whether you could continue to offer continuing education classes to x-ray technologists. The opinion stated while you could not "engage in radon/tanning salon related activities outside of your official capacity" you could "continue to offer x-ray technologist continuing education during personal time". You wish this request and opinion to be reviewed in light of the Executive Branch Code of Ethics now in effect.

KRS 11A.020(1)(a) and (c) 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;

...

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

The Commission concludes that you may continue to offer continuing education courses to x-ray technologists on your personal time. From the information provided, you do not appear to be using your official position to obtain financial gain. Additionally, your outside job does not appear to be in conflict with your duty in the public interest.