

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 93 – 49**

September 20, 1993

RE: Acceptance of free meals and lodging from a national training association by a Deputy Commissioner while performing duties of a director of the board

This opinion is in response to your August 26, 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.

The relevant facts presented to the Commission are summarized as follows. The Deputy Commissioner of the Kentucky Retirement Systems serves as a director on the board of the National Preretirement Education Association (NPEA). The NPEA is a nonprofit organization established to promote preretirement educational programs for members of public retirement systems. The NPEA membership is composed of organizations whose membership participates in national, state, or local retirement systems, and associate members such as actuarial firms, banks, and insurance companies. Associate members have no vote. The NPEA is not regulated by the state, holds no contracts with the state, and does not lobby.

You inquire as to whether the Deputy Commissioner may accept meals and lodging provided by the NPEA while performing the duties of a Director of the board. These expenses are paid from membership dues. The Deputy Commissioner's job description does not include NPEA board related duties as part of his official duty.

The Commission concludes that KRS Chapter 11A does not prohibit the Deputy Commissioner from accepting meals and lodging from the NPEA while performing duties relative to the board. The Kentucky Retirement System has no regulatory authority over the nonprofit organization, and thus, no conflict of interest is apparent. The Commission's approval is based on the condition that board duties are not conducted on state time or at state expense.