

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 93-60**

November 22, 1993

RE: Department of Agriculture employees receiving contributions for the  
Agriculture Summit

This opinion is in response to your September 30, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the October 18 and November 22, 1993, meetings of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Department of Agriculture, Kentucky Farm Bureau, Associated Industries of Kentucky and the City of Louisville are co-sponsoring an Agriculture Summit on November 17 and 18. The Kentucky Agriculture Council (Ag Council), a nonprofit association, has received funds from private companies - some of which are regulated by the Department of Agriculture, to help fund the Summit. Additionally, the Commissioner of Agriculture serves as Secretary/Treasurer for the Kentucky Agriculture Council and some state employee time is spent on Ag Council matters. You ask if receipt of these funds by the Council presents a conflict of interest.

KRS 11A.005(1)(a) and (d) state:

(1) It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that 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.

The Kentucky Agriculture Council, as a private nonprofit association, may solicit donations from the private sector. However, members of this association who are also Department of Agriculture employees should not solicit funds from persons or businesses regulated by or doing business with the department. If a company is a potential vendor to or regulated by the department, then the solicitation of funds from the company creates a conflict of interest in appearance, if not, in fact. The solicitation and record keeping of donations should be handled by those members of the organization in the private sector.

The Commission believes the Commissioner of Agriculture should step down as

the Secretary/Treasurer of the Ag Council. He may continue to serve as an ex-officio non-voting board member and may be involved in non-financial aspects of the Summit which are in the public interest.