

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93-61

October 18, 1993

RE: Questions concerning representation of claimants before agency where formerly employed

This opinion is in response to your October 11, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the October 18, 1993, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are currently employed by the Cabinet for Human Resources in Disability Determinations Services. You wish to leave state government and open your own firm offering paralegal advocacy services to disability claimants. You do not intend to contract with or receive compensation from your former state agency. You ask if the prohibition on a former public servant representing a person in a matter before a state agency in which the public servant was directly involved applies to you. In addition, you seek an interpretation of the word "directly" as used in the statute below.

KRS 11A.040(8) states:

- (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 Commission concludes that the statute above does apply to you. You may immediately represent claimants in matters before your former agency **IF** for a period of one year after your termination from state government such representation does not pertain to matters in which you were directly involved while you were a public servant. In previously issued Advisory Opinions 92-9 and 93-8, the Commission held that the phrase "in which the public servant was directly involved" modifies the word "matter" and not the words "state agency." Thus, you are permitted to immediately represent claimants before your state agency as long as you do not represent persons who had claims pending before your state agency while you were employed there.

The statute above does not specifically address your representation of those cases before the Judicial Branch of state government. You should seek advice from the Judicial Branch concerning that matter.