

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 93-65**

November 22, 1993

RE: Lobbyist Reporting of Expenditures/Financial Transactions

This opinion is in response to your October 13, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 22, 1993, meeting of the Commission and the following opinion is issued.

You provide the relevant facts as follows. You are an executive branch employee. Your spouse is a registered executive agency lobbyist. You wish to know if your spouse buys you a gift or if you sell your home together, must these transactions be reported by your husband as expenditures or financial transactions, respectively. Additionally, you ask if the same is true for a close friend who is a registered executive agency lobbyist.

KRS 11A.216(2)(b)1. and 11A.221(1) provide:

11A.216(2)(b)1. If, during a calendar year, the employer or any executive agency lobbyist he engaged made expenditures to, or on behalf of a particular elected executive official, the secretary of a cabinet listed in KRS 12.250, a particular executive agency official, or a particular member of the staff of any of those officials, the employer or executive agency lobbyist also shall state the name of the official or employee on whose behalf the expenditures were made, the total amount of the expenditures made, a brief description of the expenditures made, and the approximate date the expenditures were made.

11A.221(1) Any executive agency lobbyist who has had any financial transaction with, or for the benefit of, an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of those officials shall describe the details of the transaction, including the name of the official or employee, the purpose and nature of the transaction, and the date it was made or entered into, in a statement filed with the commission with the updated registration statement required by KRS 11A.211(2). Each statement shall describe each financial transaction that occurred during the four (4) calendar month period that ended on the last day of the month immediately preceding the month in which the statement is required to be filed.

The statutes cited above make no exemption for an executive agency lobbyist in reporting expenditures for or financial transactions with a state employee who is the lobbyist's

spouse. However, the Commission does not believe such matters must be reported. The Commission notes that the General Assembly exempted gifts between spouses in an earlier financial disclosure section of the law (KRS 11A.050(3)(k)). Therefore, the Commission concludes that your spouse is not required to report gifts or financial transactions made to or with you.

However, the Commission believes that your spouse should not conduct lobbying activity in matters in which you have any decision-making authority. If your spouse is lobbying your state agency, you should be guided by KRS 11A.030 and KRS 11A.020(3) in deciding whether or not you should abstain from action.

It does not appear that the General Assembly has made any exemption for dealings between an executive agency lobbyist and close personal friends. Therefore, the Commission concludes that if a lobbyist who is a close personal friend makes an expenditure for or financial transaction with you, it should be reported.