

EXECUTIVE BRANCH ETHICS COMMISSION  
ADVISORY OPINION 94 - 20

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June 16, 1994

RE: May executive branch employee be hired by LRC to interpret for legislative sessions?

DECISION: Yes

This opinion is in response to your March 22, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 19 and June 16, 1994, meetings of the Commission, and the following opinion is issued.

You state the relevant facts as follows. The Legislative Research Commission ("LRC") hires sign language interpreters, by the hour, for its legislative meetings. One candidate willing to provide this service is an executive branch employee at the Kentucky School for the Deaf. The employee plans to use official leave time from his state position on those occasions when his services are needed by LRC. You ask if the employee is eligible to be considered as an interpreter for LRC under the Executive Branch Code of Ethics.

KRS 11A.040(4) provides, in part:

(4) No public servant shall knowingly himself or through any business in which he owns or controls an interest of more than five percent (5%), or by any other person for his use or benefit or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by any state agency. This provision shall not apply to a contract, purchase, or good faith negotiation made pursuant to KRS Chapter 416 relating to eminent domain or to agreements which may directly or indirectly involve public funds disbursed through entitlement programs.

KRS 11A.010(10) defines:

(10) "State agency" means every state office, department, division, board, commission, institution, public corporation, and authority within the executive branch;

Although the Executive Branch Code of Ethics prohibits an executive branch employee from having an agreement or contract with an executive branch agency, it does not prohibit an executive branch employee from having an agreement with a legislative branch agency. Additionally, it appears there would not be a conflict of interest between the employee's executive-branch position and service as an LRC interpreter. (See attached Attorney General's letter of June 10, 1994.)

Therefore, the Commission believes LRC may hire the employee as an hourly paid interpreter for legislative meetings.