

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 94 - 21

April 19, 1994

RE: May cabinet continue joint sponsorship of United Way fund raiser with consultants, contractors and suppliers?

DECISION: No

This opinion is in response to your April 5, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 19, 1994, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are a division director within the Transportation Cabinet. One of your division's main fund raisers for the United Way campaign is a golf outing, which is jointly sponsored by cabinet employees and outside consultants, contractors, and suppliers who do business or seek to do business with your cabinet.

These outside companies sponsor a golf hole for \$100. Multiple companies may sponsor one hole. A small portion of this sponsor money contributes toward prize money of the tournament. Participants in the golf tournament pay a fee which covers green and cart fees as well as additional prize money.

This event raises approximately \$3000 for the United Way each year. The event is solely for the purpose of obtaining contributions for the United Way campaign. You ask if you may continue this annual fund raiser.

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

(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.

In Advisory Opinion 93-56 (a copy of which is enclosed), the Commission concluded that if an entity is a potential vendor to or is regulated by the cabinet, the solicitation of funds from the entity creates a conflict of interest in appearance, if not, in fact.

Similarly, donations from outside consultants, contractors, and suppliers who do business with your agency creates a conflict of interest for those employees who are organizing the fund raiser. Thus, your division employees should not solicit sponsors or accept donations for the golf tournament from entities who do business with your agency.

The Commission commends your division's employee involvement in the United Way campaign. However, we encourage you to seek methods of raising funds for this worthwhile cause which do not involve solicitation from those companies which do or seek to do business with your agency.

