

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 94 - 43

July 21, 1994

RE: May Commissioner accept "Flying Colonel" card privileges from airline?

DECISION: No.

This opinion is in response to your July 15, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the July 21, 1994, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You are a commissioner within the executive branch of state government. Delta Airlines has offered you a "Flying Colonel" card which will entitle you to lounge and waiting area privileges when flying with Delta. Your agency has not done business with Delta Airlines for several years. All airline tickets are purchased through a travel agency. You ask if accepting the "Flying Colonel" card will present a conflict.

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

11A.005 Statement of public policy.

(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;

...

(c) A public servant not use public office to obtain private benefits; and

In Advisory Opinion 93-81 (a copy of which is enclosed), the Commission concluded that a public servant should not accept gratuities from any person or business that does business with or is regulated by the state agency in which the public servant is employed. Although you do not do business directly with Delta Airlines, your agency may request or decline a particular airline through the travel agency. Therefore, your agency is in a position to have some control over which airline your agency will use.

The Commission advises you not to accept the "Flying Colonel" card offered by Delta Airlines. The Commission cautions you against accepting such a gratuity if your agency has some control over which airline you travel.