

**ADVISORY OPINION 94 - 71**

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December 15, 1994

RE: Does employment of state employee's parents by tourism organization which receives funding from state agency for which employee works create a conflict of interest for employee?

DECISION: Yes, if employee is involved in matters concerning tourism organization.

This opinion is in response to your December 2, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the December 15, 1994, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. The program coordinator of the Regional Marketing and Matching Funds Branch within the Kentucky Department of Travel Development of the Tourism Cabinet acts as the assistant manager of the branch. The Regional Marketing and Matching Funds Branch is responsible for the distribution of legislatively authorized state matching funds allotments to the nine regional tourism organizations. Kentucky's Western Waterland is one of the nine regional tourism organizations that may apply and receive state matching funds for approved tourism projects.

The assistant manager's parents have an agreement with Kentucky's Western Waterland to periodically (several times per month) distribute tourism brochures within the Western Kentucky region, and are paid \$150 per delivery run. The assistant manager, although she does not have the final decision on approval of project applications which may affect state funding, does participate in the review of applications and advises the regions on policy and procedure requirements.

Officials within your Department have expressed concern about a possible conflict of interest for the assistant manager between her official duty and her personal interest. In light of your agency's concern, the assistant manager has requested to remove herself from working on any matters involving Kentucky's Western Waterland. You ask the Commission for an opinion as to whether this situation is a conflict and to give some guidance as to proposed solutions if determined to be a conflict.

KRS 11A.020(1)(a) and (c) provide:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

....

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;

The Commission takes note that the assistant manager's parents have no ownership interest in the tourism organization. However, a conflict of interest does exist because of the official relationship between the assistant manager and Kentucky's Western Waterland.

The Commission believes the assistant manager should refrain from being involved in any matter concerning Kentucky's Western Waterland, as she has requested. In addition, she should not have any contact with Kentucky's Western Waterland in connection with her parents' employment. The Commission believes this solution will prevent the occurrence of this conflict for the assistant manager.

