

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 95-6
March 23, 1995

RE: May employee's spouse do business with entities which are regulated by the agency for which the employee works?

DECISION: Yes.

This opinion is in response to your February 27, 1995, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the March 23, 1995, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are a communications consultant who works primarily with public policy organizations, government agencies, and non-profit corporations. Your spouse is employed by the Public Service Commission ("PSC") as manager of the gas branch. He has no ownership interest in your business.

You plan to expand your marketing efforts in your private business to include utility companies, such as water, telephone, and electric companies which are regulated by the PSC. However, you do not plan to market your services to natural gas companies with which your spouse works. You are seeking an opinion as to whether such marketing efforts will present a conflict of interest for you and your spouse.

The Commission believes you may market your services to utility companies which are regulated by the PSC as long as those companies are not regulated by the branch your spouse manages. Marketing of your services to such companies does not appear to present a conflict of interest for you or your spouse.

However, you should not market your consulting services to natural gas utilities which are regulated by the PSC's gas branch. Such marketing would present a conflict of interest for your spouse. If, in the future your spouse finds that his PSC regulatory duties affect utilities with which you do business or seek to do business, he should notify his supervisor and consider abstaining from action, under terms of KRS 11A.020(3) and 11A.030.

EXECUTIVE BRANCH ETHICS COMMISSION

By: Livingston Taylor, Chairman