

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 96-6**

February 6, 1996

RE: May Adjutant General serve on the board of directors on an airport board?

DECISION: Yes.

This opinion is in response to your January 5, 1996, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the February 6, 1996, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You are the Adjutant General and agency head of the Department of Military Affairs. As part of your duties for the Department, you are responsible for the management of the Capital City Airport. Prior to your appointment as the Adjutant General, you were appointed as a member of the Lexington Airport Board. The position on the Lexington Airport Board carries no salary and is for a three-year term which began in August of 1995.

The Capitol City Airport is a state-owned facility, located in Frankfort, which supports no commercial airlines. The Lexington Airport Board operates the Bluegrass Field Airport which is located in Lexington.

The National Guard State Armory, under the supervision of the Department of Military Affairs, is located at Bluegrass Field. The Department has leased the property from the Lexington Airport Board for fifty (50) years at the cost of \$1.

KRS 11A.020(1)(a) provides:

(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;

The Commission believes, because the Capital City Airport does not support commercial airlines and is located in a different city than the Bluegrass Field Airport, that it does not compete with the airport under the jurisdiction of the board on which you serve. Thus, you may continue to serve on the Lexington Airport Board as long as no other conflict exists. However, if you become aware of a situation which may involve competition between the two airports, we advise you to discontinue your service for the Lexington Airport Board.

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Although it appears unlikely that any decisions concerning the National Guard State Armory will be rendered by the Lexington Airport Board, the Commission recommends that, as a board member, you abstain from any discussions or decisions of the board which may involve matters concerning the National Guard State Armory.

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BY: Lynda Thomas, Vice Chair