

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 96-19

May 14, 1996

RE: May gift shop owned in part by employee's mother sell to the Department of Parks gift shops?

DECISION: Yes, as long as employee is not involved in decisions concerning the gift shops.

This opinion is in response to your March 19, 1996, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the May 14, 1996, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You and your two sisters own a gift shop in Liberty, Kinfolk Treasures, which would like to sell products to the Department of Parks' gift shops. One of your sisters has a son who is employed by Lake Barkley State Park as a recreational program supervisor. As such, he is not involved in decisions concerning the gift shops of any state park. In addition, he has no interest in his mother's private business, nor does he benefit from the business. You question if your gift shop may sell products to the Department of Parks due to your sister's relationship to an employee of the Department.

KRS 11A.020(1)(a) through (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;

(b) Use or attempt to use any means to influence a public agency in derogation of the state at large;

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

Because your sister's son has no interest in Kinfolk Treasures and no responsibility in his state employment concerning park gift shops, no apparent conflict of interest will be created if Kinfolk Treasures sells products to the Kentucky State Parks' gift shops. Therefore, the Commission believes the gift shop owned by you and your sisters may sell products to state park gift shops.

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BY: Ruth H. Baxter, Chair