

ADVISORY OPINION 97-7

February 4, 1997

RE: May employee of the Department of Parks serve as a member of speaker's bureau for the Kentucky Humanities Council?

DECISION: Yes.

This opinion is in response to your January 7, 1997, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the February 4, 1997, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. A tour guide supervisor with the Department of Parks wishes to contract with the Kentucky Humanities Council ("Council"), which is attached to the University of Kentucky, to serve as part of its Speaker's Bureau. The Speaker's Bureau is a group of featured speakers and Chautauqua presenters who provide programs, free of charge, to nonprofit community groups, including state parks, anywhere in Kentucky. As a speaker for the Council, the employee would receive \$1,000 for script development as well as \$300 per performance. The employee would be paid directly by the Council. The entity requesting the speaker is responsible only for overnight accommodations of the speaker, if needed. You ask for an advisory opinion as to whether the employee may contract with the Council and serve as part of its Speaker's Bureau.

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

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

...

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

Additionally, KRS 11A.020(2) provides:

(2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

Because neither the Department of Parks, nor individual state parks, appear to contract with or regulate the Kentucky Humanities Council, the Commission believes the employee may contract with the Council to serve as part of its Speaker's Bureau. However, as the employee's job affords him contact with individuals who may be requesting such speakers, the employee is advised not to discuss, during state time, matters regarding his outside employment with the Council. In addition, in order to avoid the appearance of a conflict of interest, the employee is advised not to serve as a speaker at the state park for which he works.

