

ADVISORY OPINION 98-4

February 26, 1998

RE: May employee share home party book with fellow employees?

DECISION: Yes

This opinion is in response to your January 21, 1998, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the February 26, 1998, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You plan to host a Home Interiors[®] party in a few weeks. You ask if it would be a violation of the ethics code if you brought a Home Interiors[®] book to work to solicit sales for your home party. You plan only to solicit sales during your lunch and break time. The book does not have your phone number on it, but does have the phone number of the dealer who will be presenting the items at your party.

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

(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;

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

Although previously issued advisory opinions state that an employee should not use his official position to benefit his private business or a business for which he works, the Commission views home demonstration parties which you host for a dealer differently from a private business which you own or for which you work and receive compensation. When hosting a home party, although you do receive a benefit through free merchandise, you do not receive compensation. Consequently, the Commission believes that simply sharing a brochure for a home party with a fellow employee does not violate the ethics code.

The Commission advises you, however, to use your break or lunchtime, not your official work time, to discuss the products with fellow workers. Further, you should not use your influence or position to obtain sales from a fellow employee.