

## ADVISORY OPINION 98-30

June 25, 1998

RE: May Transportation Cabinet employees solicit companies that own trucks that are regulated by the Cabinet?

DECISION: No.

This opinion is in response to your June 5, 1998, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 25, 1998, meeting of the Commission, and the following opinion is issued.

The relevant facts are provided as follows. You are involved with Kentucky Employees Charitable Campaign ("KECC") and have several questions regarding solicitation of donations by Transportation Cabinet employees relating to the campaign. You ask whether employees of the Departments of Vehicle Regulation and Vehicle Enforcement would be prohibited from asking for donations of items for "raffles" or prizes from all establishments due to the fact that Transportation regulates the trucking industry and all items are shipped by trucks. You also ask whether you should determine whether any employees of the Transportation Cabinet have stayed, while performing state business, at any entities that you have solicited for weekend travel packages.

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

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

...

(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.

Advisory Opinion 94-51 (a copy of which is enclosed) states that if a "... parent corporation of the local outlet does not own state-regulated trucks, the Department of Vehicle Regulation employees may solicit charitable contributions from officials of the corporation." However, "[I]f the parent corporation does own state-regulated trucks, no Department of Vehicle Regulation employees or any Transportation Cabinet employee who supervises Department employees or is involved in the Department's activities should not solicit corporation officials."

Regarding your second question, Transportation Cabinet employees should not solicit any establishments which do business with the Transportation Cabinet or which do business with employees of the Transportation Cabinet on official business.

Enclosures: AO 94-51