

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 99-3

February 18, 1999

RE: May inspector employed by the Board of Barbering open barbering school?

DECISION: No.

This opinion is in response to your February 1, 1999, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the February 18, 1999, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Kentucky Board of Barbering (the "Board") employs an inspector who is interested in opening a barber school/college. The inspector would receive monies from students wanting to be barbers. The school would not receive any monies from the Board. However, the school would be regulated by the Board.

KRS 11A.020(1) 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;
 - (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; or
 - (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.

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Because the inspector's school would be directly regulated by the Board, and he may be involved in inspections of schools which may compete with his school, or he may have a co-worker who would inspect his school, the Commission believes that a conflict of interest would exist if the inspector were to open such a school.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Don A. Wimberly

April 10, 2008

Bill Maggard, Jr., Administrator
Kentucky Board of Barbering
0114 Leesgate Road, Suite 6
Louisville, Kentucky 40222-5055

Reference: 021899.9

Dear Mr. Maggard:

At its February 18 1999, meeting, the Executive Branch Ethics Commission took up your request, dated February 1, 1999, in which you ask whether an inspector employed by the Board of Barbering may open a barbering school.

The enclosed Advisory Opinion 99-3 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: Advisory Opinion 99-3