

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 99-9**

April 13, 1999

RE: May general counsel for regulatory board present continuing education classes to land surveyors regulated by the board?

DECISION: No.

This opinion is in response to your February 24, 1999, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 13, 1999, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are employed as the General Counsel for the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors (the "Board"). You recently requested and received an advisory opinion from the Commission (Advisory Opinion 99-1) asking whether, through a professional land surveyors association, you could present continuing education seminars to land surveyors who are regulated by the Board and receive compensation for such service. The Commission advised that it would be a conflict of interest for you to accept compensation from an entity composed of individuals regulated by the Board. Additionally, the Commission advised that if the seminar had to be approved by the Board, a conflict would exist for you.

Subsequent to the issuance of that opinion, a private entity from Georgia, involved in the business of presenting continuing professional development seminars in boundary law for several professions, has contacted you and requested that you provide two presentations in Kentucky on boundary law in June of 1999. The private entity conducts seminars for profit in approximately 15 states for attorneys, surveyors, certified public accountants, bank loan officers, and title insurance officials. The entity will be seeking approval of the course from the continuing professional development committee of the Board. This course will be written by you for presentation. You will receive \$6 per participant for the seminars you present.

The Commission believes that, although you will not be paid by surveyors regulated by the Board, the fact that the class you will write and present must be approved by the Board presents a conflict for you. Even if you are not directly involved in matters of the committee that approves such courses, a conflict exists because you may work with some of the committee members on other matters of the Board.

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 99-9**

April 19, 1999

Page Two

Additionally, the fact you will receive compensation based on the number of land surveyors who are participants in the classes creates a potential conflict for you. See KRS.11A.020(1).

Again, the Commission believes that you may present classes regarding boundary law for compensation to attorneys, certified public accountants, bank loan officers, and title insurance officials who are not regulated by the Board, if the classes do not have to be approved by the Board.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

---

BY CHAIR: Don A. Wimberly



April 10, 2008

Hon. B. R. Salyer  
General Counsel  
KENTUCKY STATE BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
Kentucky Engineering Center  
160 Democrat Drive  
Frankfort, Kentucky 40601

*Reference: 041399.4*

Dear Mr. Salyer:

At its April 13, 1999, meeting, the Executive Branch Ethics Commission took up your request, dated February 24, 1999, in which you ask whether a general counsel for a regulatory board may present continuing education classes to land surveyors regulated by the board.

The enclosed Advisory Opinion 99-9 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: AO 99-9