

KEXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 99-31**

August 31, 1999

RE: May forest ranger begin wildlife consulting business?

DECISION: Yes, within limitations.

This opinion is in response to your June 30, 1999, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the August 31, 1999, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. A district forest ranger technician ("forest ranger") employed by the Division of Forestry is interested in starting a wildlife consulting business which will include assistance to landowners on property management and prescribed burning procedures. The forest ranger plans, coordinates and supervises all forest fire prevention, presuppression, suppression and law enforcement activities in a district. He performs technical work in forest stewardship and forest resource management with private landowners, and he also supervises the forest ranger technicians in the district and directs their work in the forest resource management with private landowners. You ask whether such a business would present a conflict for the forest ranger.

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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The employee is not prohibited from starting a wildlife consulting business that will provide assistance to landowners on property management and prescribed burning assistance provided he has no direct involvement as a part of his official duty with the private landowners for which he wishes to provide the service. If the forest ranger is involved in any way, as part of his official duty, in regulating a private landowner or in providing assistance to the landowner, then he should not accept compensation from the landowner. The Commission believes that such service for compensation would present the appearance of, if not an actual, conflict for the employee.

Additionally, the employee should not use his official position to secure private business from landowners, and he should not provide services to any landowners who have been referred to him by his coworkers.

The advice above is based on the assumption that it is not a part of the forest ranger's official duty or the duty of the Division of Forestry to provide the types of services to private landowners that he intends to market through his consulting business. If the Division does or should provide such services for landowners, then the Commission believes that the forest ranger should not provide such services through his consulting business.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: CYNTHIA C. STONE  
VICE CHAIR