

Executive Branch Ethics Commission
ADVISORY OPINION 99-34
August 31, 1999

RE: May employee association use raffles and fundraisers as a way to pay for retirement gifts?

DECISION: Yes.

This opinion is in response to your July 26, 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. The state agency for which you work has a "staff association", a voluntary in-house organization. Through yearly dues it charges its members, the staff association coordinates social gatherings in your office and also provides gifts for retiring employees who are staff association members. Not all employees of your agency are members of the staff association; however, non-members are given the opportunity to attend dinners/gatherings by paying a fee "at the door" and then are eligible to participate in every event of that particular dinner or gathering. All money collected from member dues and non-member attendance is used to pay for association functions.

There are several members of the staff association who will be retiring soon and the gifts to be given by the staff association will use a great deal of its funds. You ask whether the staff association may use raffles as fundraisers as a way of paying for the retirement gifts and/or replacing existing money used for gifts.

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

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

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(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.

It appears from the information you have provided that the only people purchasing the raffle tickets will be employees of your state agency. Because it does not appear to the Commission that employees will be involved in soliciting individuals outside of your state agency, employees of your agency are not prohibited from using raffles as fundraisers for the staff association. However, employees should take great care not to use their positions to influence employees under their supervision to buy raffle tickets.

If the staff association does plan to sell tickets to persons outside of your state agency, employees should not solicit individuals who have a business or regulatory relationship with your agency, or who may be seeking to do business with your agency.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: CYNTHIA C. STONE
VICE CHAIR