

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 99-36**

August 31, 1999

RE: May the Department for Criminal Justice Training participate in fundraising to erect a memorial in honor of those officers who have died in the line of duty?

DECISION: Yes, within limitations.

This opinion is in response to your August 18, 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. Various law enforcement and criminal justice entities throughout the state have suggested that the Law Enforcement Complex at Eastern Kentucky University, where the Department of Criminal Justice Training (the "Department") is located, should be the location for a Law Enforcement Memorial ("Memorial") that would serve as a tribute to Kentucky law enforcement officers who have died in the line of duty. The National Law Enforcement Memorial Fund lists 292 Kentucky law enforcement officers who have lost their lives since 1854.

The Department has been asked by the law enforcement community to coordinate this effort and complete the preliminary research to determine design and cost. The Memorial project is supported by the following:

- The Kentucky Associations Chiefs of Police;
- The Kentucky Sheriff's Association;
- Eastern Kentucky University College of Law Enforcement;
- The Kentucky Peace Officer's Association;
- Kentucky State Police Officer's Association;
- The Kentucky Law Enforcement Council; and
- Southern Police Institute, University of Louisville.

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The Department would like to establish a committee to be responsible for raising the necessary funds for the project. The cost of the project is estimated to be between \$75,000 and \$100,000. The committee will oversee the development of fund raising and complete the coordination of the project. You anticipate that key staff members of the Department will be a part of this committee. Funds for the project will be raised between September 1999 and May of 2000. You expect the dedication of the Memorial to take place during law enforcement week in May of 2000. You ask the Commission for advice concerning what conflicts may arise from the Department's involvement in this project.

KRS 11A.005(1)(a) and (d) provide:

(1) It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that the proper operation of democratic government requires that:

(a) A public servant be independent and impartial;

...

(d) The public has confidence in the integrity of its government and public servants.

The Commission advised the Natural Resources and Environmental Protection Cabinet (the "Cabinet") in Advisory Opinion 98-38 (a copy of which is enclosed) not to solicit individuals and entities regulated by the Cabinet for donations. Similarly, the Commission believes that the Department is not prohibited from establishing a committee to solicit funding for the Memorial. However, no employees of the Department should solicit persons or entities that do business with the Department. Although the Department is a part of the Justice Cabinet, because its characteristics are distinct from the Cabinet, the Department is considered a separate "agency" for purposes of the ethics code. See Advisory Opinion 97-11. Thus, provided the Department does no business with and does not regulate an entity, employees of the Department are free to solicit the entity for donations for the Memorial.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: CYNTHIA C. STONE  
VICE CHAIR

Enclosures: Advisory Opinion 98-38  
Advisory Opinion 97-11