

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 99-54**  
December 10, 1999

RE: May employee of Governor's Office for Technology accept outside employment with Boyle County Clerk's Office to maintain computers, printers, and network?

DECISION: Yes, within limitations.

This opinion is in response to your December 6, 1999, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the December 10, 1999, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. A programmer with the Governor's Office for Technology (GOT) currently holds outside employment with the Boyle County Clerk's Office. In the evenings and on weekends the employee maintains the computers, printers, and network for the County Clerk's office. Since the employee does not want to do anything that would jeopardize his position with GOT, you ask the Commission for an opinion as to whether the employee's outside employment presents a conflict of interest.

KRS 11A.040(10) provides:

(10) Without the approval of his appointing authority, no public servant shall accept outside employment from any person or business that does business with or is regulated by the state agency for which the public servant works or which he supervises, unless the outside employer's relationship with the state agency is limited to the receipt of entitlement funds.

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Additionally, 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; ...

The Commission believes the employee may accept outside employment with the Boyle County Clerk's Office to maintain personal computers, printers, and network, provided that GOT does not do business with or regulate Boyle County government. If the GOT does business with or regulates the Boyle County government, then the employee is required to obtain approval from his appointing authority for such employment pursuant to 11A.040(9) and 9 KAR 1:050 (a copy of which is enclosed).

Furthermore, the employee should not use state time and equipment for his outside employment.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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By Chair: Bertie Oldham Salyer, M.A., A.M.E.

Enclosure: 9 KAR 1:050