

**AUTHORIZATION FOR EXCEPTION TO KRS 11A.045(1)**

**EXCEPTION NO. 2000-2**

November 3, 2000

RE: May the Lt. Governor accept wedding gifts from persons or businesses that may be doing business with, regulated by, or trying to influence the actions of the Lt. Governor?

DECISION: Yes.

This authorization is in response to your October 18, 2000, request for an exception to KRS 11A.045(1) from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 3, 2000, meeting of the Commission and the following authorization is issued.

You state the relevant facts as follows. The Lt. Governor of the Commonwealth plans to wed on October 27, 2000. It is anticipated that he will receive customary wedding gifts from family members, friends, and wedding guests. Some of these gifts may be from persons or businesses that do business with or that are regulated by the Commonwealth.

Upon a review of the applicable statutes, you do not believe that the Lt. Governor's acceptance of wedding gifts would create an appearance of impropriety; therefore you request an exemption for such gifts under the authority of KRS 11A.045. You also ask for an exemption of the reporting of such gifts under KRS 11A.050.

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KRS 11A.045(1) provides:

(1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

Additionally, KRS 11A.050(3)(k) provides:

(3) The statement shall include the following information for the preceding calendar year:

...

(k) Sources, including each source's name and address, of gifts of money or property with a retail value of more than two hundred dollars (\$200) from any one (1) source to the filer, his spouse, or dependent children, except those from a member of the filer's family;

The Lt. Governor and his spouse are prohibited from accepting gifts with a value of over \$25 from any person or business doing business with, regulated by, or attempting to influence the actions of, any agency over which the Lt. Governor has ultimate authority. According to Advisory Opinion 99-10, the Commission believes that the Lt. Governor has ultimate authority over any state agency for which he has the authority to make decisions or of which he supervises officials. Therefore, unless the Lt. Governor has the authority to make decisions for or supervise an agency of the Commonwealth, he is not prohibited from accepting a

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gift from a person or business that is doing business with or is regulated by an agency, unless that person or business is trying in some way to influence the Lt. Governor's official actions (i.e., registered as an executive agency lobbyist to influence the Lt. Governor).

Additionally, the Commission grants an exception, pursuant to KRS 11A.045, for the Lt. Governor to accept customary wedding gifts from persons or businesses that may be doing business with, regulated by, or attempting to influence the actions of the Office of the Lt. Governor provided such gifts are reasonable in value.

The Commission does not have the authority to exempt the Lt. Governor from the reporting requirements in KRS 11A.050. Thus, the Lt. Governor must report any gift he or his wife receives if it has a value of more than \$200 and it is not from a family member.

**AUTHORIZED BY:**

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: Bertie Oldham Salyer, M.A., A.M.E.

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