

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 00-27
April 28, 2000

RE: May horticulture instructor at youth development center conduct landscaping labor program at facility?

DECISION: Yes.

This opinion is in response to your March 27, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 28, 2000, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are employed as a fiscal officer at a youth development center within the Department of Juvenile Justice ("Department"). The facility for which you work wishes to start a work program for the residents of the facility where they would provide landscaping labor. The horticulture teacher at the facility would conduct the program and plans to solicit landscape installation bids (labor). The horticulture teacher also has a commercial greenhouse and sells flowers to the same customers to whom he plans to solicit to hire residents for labor. You ask whether this situation would present a conflict of interest for the horticulture teacher.

KRS 11A.020(1)(a) and (c) provide:

(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;

...

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 00-27

April 28, 2000

Page Two

Because private customers of the horticulture teacher are not seeking business from the Department, but will be sought as customers by the Department, the Commission does not believe that a conflict of interest will exist for the horticulture teacher if he conducts the proposed work program for the residents.

However, the Commission cautions the horticulture teacher to make a clear distinction between his private business and his duties for the Department. He should not conduct private business or make contacts for the benefit of his private business while on state time.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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

www.state.ky.us/agencies/ethics/ETHICS.HTM

May 1, 2000

Gary D. Gardner, Fiscal Officer
Lincoln Village Youth Development Center
P. O. Box 959
Elizabethtown, Kentucky 42702

Reference: 042800.14

Dear Mr. Gardner:

At its April 28, 2000, meeting, the Executive Branch Ethics Commission took up your request, dated March 27, 2000, in which you ask whether a horticulture instructor at a youth development center may conduct a landscaping labor program at the facility.

The enclosed Advisory Opinion 00-27 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: Advisory Opinion 00-27