

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 92 – 9**

December 11, 1992

RE: Prohibition Contained in KRS 11A.040(8)

Your request dated June 18, 1992, to the Attorney General for an opinion regarding the interpretation of KRS 11A.040(8) has been referred to the Executive Branch Ethics Commission ("the Commission"). Accordingly, the Commission issued the following advisory opinion at its November 23, 1992, meeting.

The relevant facts are as follows. The Worker's Compensation Board and the Department of Workers' Claims employ staff attorneys who are merit employees. Many, if not all, of these attorneys have developed legal expertise almost exclusively in the area of workers' compensation law.

You have inquired whether KRS 11A.040(8) constitutes a blanket prohibition against former Department attorneys representing litigants or other persons conducting business before your agency.

KRS 11A.040(8) states:

A former public servant shall not represent a person in a matter before a state agency in which the former public servant was directly involved, for a period of one (1) year after the latter of:

- a) The date of leaving office or termination of employment; or
- b) The date the term of office expires to which the public servant was elected.

The Commission concludes that KRS 11A.040(8) does not serve as a blanket prohibition and that former Department attorneys may immediately represent clients in legal matters before their former agency, provided that for a period of one year after leaving office such representation does not pertain to matters in which they were directly involved while they were public servants.

We agree with you that the statute is somewhat unclear. In reaching the above conclusion we believe that the words "directly involved" refer to the "matter" of representation, not to "state agency."