

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93 – 36

July 8, 1993

RE: Reconsideration of Advisory Opinion 93-18

This letter is in response to your June 14, 1993, request for a reconsideration of Advisory Opinion 93-18. The matter was reviewed at the July 8, 1993, meeting of the Executive Branch Ethics Commission (the "Commission"), and the following opinion is issued.

The relevant facts provided to the Commission are as follows. An "agriculture marketing specialist senior" for the Department of Agriculture is employed on his days off by a livestock buyer to make purchases for the buyer outside the area in which he works. The employee's knowledge in the livestock market has been gained through the years irrespective of his position as a market reporter. He does not purchase or participate in sales in the markets where he is employed to make his reports. You fail to see how this could be a conflict of interest.

The Commission believes the marketing specialist has an advantage over other livestock buyers with his knowledge of the markets he has gained from his position with the Department of Agriculture. His state employment responsibilities include attending livestock fairs in Danville, Richmond, Lancaster, and Somerset, and placing a quality description on the livestock sold there. Additionally, he reports to the media each week the price and grade of the livestock sold. His daily contact with these markets gives him knowledge of current livestock price trends. As stated in Advisory Opinion 93-18, this creates an advantage over the general public for the livestock market which the employee represents.

Therefore, the Commission upholds the original opinion issued addressing this request which finds the employee's acting as a buyer to be a conflict of interest under KRS 11A.