COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
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DANA C. NICKLES
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Executive Branch Ethics Commission
ADVISORY OPINION 08-15
July 11, 2008

RE: May an administrative coordinator for the Department of Corrections responsible for oversight of the Recovery Kentucky facilities and prison/jail substance abuse programs serve as a member of the statewide Board of Directors for People Advocating Recovery?

DECISION: No.

This opinion is issued in response to your June 16, 2008 request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the July 11, 2008 meeting of the Commission and the following opinion is issued.

You provide the relevant facts as follows:

You are currently an administrative coordinator for the Department of Corrections. Your job duties include oversight of the Recovery Kentucky facilities and prison/jail substance abuse programs. You have been asked to serve as a member of the statewide Board of Directors for People Advocating Recovery. You ask whether you may serve as a Board member of that organization.

The website for People Advocating Recovery states its mission as, "A statewide group of concerned individuals working to eliminate the barriers to recovery from addiction." The website further states the vision of the organization as, "Society views addiction as a disease without shame, stigma, or discrimination."

KRS 11A.005(1)(a) and (d) provide:

(1) It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that the proper operation of democratic government requires that:

(a) A public servant be independent and impartial; … and

(d) The public has confidence in the integrity of its government and public servants.

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

(1) No pubic 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; or

(b) Use or attempt to use any means to influence a public agency in derogation of the state at large.

The Commission believes that the administrative coordinator's service on the Board of People Advocating Recovery may create a public perception that the interests of the Board may outweigh the duty of the administrative coordinator to oversee the Recovery Kentucky facilities and prison/jail substance abuse programs for the Department of Corrections. The private interests of People Advocating Recovery in actively advocating and lobbying on behalf of individuals with an addiction could interfere with the policies of the Department of Corrections regarding substance abuse facilities and treatment for inmates.

An administrative coordinator for the Department of Corrections administering substance abuse programs and facilities for prisoners is precluded from serving as a Board member of a statewide advocacy group for individuals suffering from addiction.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

By Chair: John A. Webb

Enclosures: Advisory Opinion 08-7
Advisory Opinion 02-18
Advisory Opinion 02-41
Advisory Opinion 98-20
Advisory Opinion 93-38