COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
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EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 08-26
September 26, 2008

RE: May an employee of the Governor's Office accept tickets to a sporting event from a former employer?

DECISION: Yes, as long as the employee pays face value for them since the former employer has a business relationship with the Governor's Office.

This opinion is in response to your September 4, 2008, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 26, 2008 meeting of the Commission and the following opinion is issued.

You are currently an employee in the Governor's office and have been offered tickets to a sporting event by an entity with which you formerly enjoyed a business relationship. You state that you still receive compensation from that business entity for services previously rendered. Other than receipt of continuing compensation for past services, you have no current business relationship with or obligation to that business. You indicate the business often makes tickets to various sporting events available to you and have been doing so for years long before you were employed by the Governor's office.

You state the business does have a state contract awarded through a public bid process. That contract is not with the Governor's office. We have previously held that although the Governor is the ultimate authority with respect to state agencies, he is not held to be directly involved in the matters of every state agency over which he has ultimate authority. Advisory Opinion 04-07.

You indicate that the business has several registered executive agency lobbyists, however, to your knowledge they have no ongoing relationship and are not presently seeking any business opportunity with the Governor's office. We note from a review of

the information required by this office to be filed by executive branch agency lobbyists ("EAL"), that the Governor is listed as one of the agencies the business seeks to lobby. For that reason we conclude that a business arrangement does exist between your agency and the business offering you the tickets.

KRS 11A.045(1) and (2) provide:

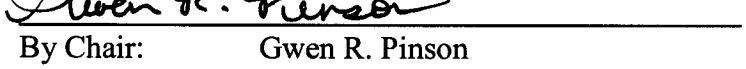
> (1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars ($25) in a single calendar year from any person or business that does business 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.
>
> (2) Nothing in KRS Chapter 11A shall prohibit or restrict the allocation of or acceptance by a public servant of a ticket for admission to a sporting event if the ticket or admission is paid for by the public servant at face value or is paid for at face value by the individual to whom the ticket is allocated.

You ask whether you may accept the tickets and whether you are obligated to pay for the tickets. In the present situation, the business providing the tickets has a relationship with the Governor's office as reflected in information it provided to this office as part of its EAL registration and the tickets would be a prohibited gift under KRS 11A.045(1) for that reason. However, KRS 11A.045(2) as an exception to section (1), permits you to accept the tickets as long as you pay face value for them.

Under the scenario described, it is permissible for the employee to accept the tickets as long as he pays face value for them.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION



By Chair: Gwen R. Pinson