COMMONWEALTH OF KENTUCKY

EXECUTIVE BRANCH ETHICS COMMISSION

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JOHN R. STEFFEN
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#3 FOUNTAIN PLACE
FRANKFORT, KY 40601
(502) 564-7954
FAX: (502) 564-2686

DANA COX NICKLES
GENERAL COUNSEL

Executive Branch Ethics Commission
ADVISORY OPINION 09-13
March 27, 2009

GIFTS EXCEPTION NO. 2009-1

RE: May an employee of the Finance and Administration Cabinet accept sporting event tickets as a wedding gift from an individual with whom his agency has a contract?

DECISION: Yes.

This opinion is issued in response to your February 19, 2009 request for an exemption to KRS 11A.045 (1) from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the March 27, 2009 meeting of the Commission and the following opinion/exemption is issued.

You state the relevant facts as follows. You are an employee of the Finance and Administration Cabinet and received a wedding gift from an individual who has a contract with your agency. The gift was two tickets to a sporting event. You indicate that you have not purchased tickets from this individual before and that you have no ability to award or deny his contract. You request the Commission to issue an exemption granting you authorization to accept this wedding gift under KRS 11A.045.

KRS 11A.045(1) provides:

(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.

Additionally, KRS 11A.045(2) provides:

(2) Nothing in KRS 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.

Based on the language above, you would be allowed to accept the tickets to the sporting event from the individual with whom your agency has a contract as long as you paid the individual the face value of those tickets. However, based on prior opinions of the Commission which granted exceptions to KRS 11A.045 for the acceptance of wedding gifts (see Advisory Opinions 05-12 and 05-40 and Exception No. 2000-2), as well as on your assertion that you have no ability to influence the individual's contract, the Commission does not believe that an appearance of impropriety would be created by your acceptance of the tickets as a wedding gift. Therefore, the Commission hereby grants an exception, pursuant to KRS 11A.045(1), for you to accept the sporting event tickets without being required to reimburse the individual for the face value of those tickets.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

By Vice-Chair: Ronald L. Green