

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 00-5
February 25, 2000

RE: May state agency award cash prizes?

DECISION: Yes, but state agency should seek advice from the Finance & Administration Cabinet.

This opinion is in response to your January 20, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the February 25, 2000, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. Commonwealth Cleanup Week ("CCW") sponsored by the Natural Resources and Environmental Protection Cabinet ("Cabinet") is scheduled for the week of March 18 - 25, 2000. To ensure another successful CCW this spring, and to familiarize as many citizens with the program and stimulate as much widespread interest as possible, the Cabinet would like to sponsor a cash prize program as part of a cleanup contest. Participants in the contest would be limited to civic groups, religious and charitable organizations, and other nonprofit groups. Individuals, state employees, for-profit businesses and Cabinet regulated companies would not be eligible to participate.

Each participating group would work with a county solid waste coordinator to identify and select a project to be completed during CCW. The solid waste coordinator would verify that the project was completed prior to forwarding an entry form to the participating group to complete. The Cabinet would receive all completed forms. A total of \$850.00 in cash will be awarded in three separate prizes. The Commonwealth of Kentucky would issue checks to the winners. Prize money would come out of the budget appropriation of the Cabinet's Division of Waste Management. The three winners would be selected in a random drawing for the cash prizes, and the location or size of the cleanup site would not determine the amount of the prize.

The Commission has stated that a state employee (or state agency) should not accept a prize donated by an entity doing business with or regulated by the agency for which the employee works. See enclosed Advisory Opinion 94-45. The receipt of prizes by a state agency from entities that do business with or that are regulated by the agency creates a potential conflict of interest. However, the Commission finds no conflict in the award of cash prizes by a state agency.

The Commission also advises you to seek advice from the Finance and Administration Cabinet regarding the propriety of awarding such prizes from state funds.

Enclosure: Advisory Opinion 94-45