

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 00-21
April 28, 2000

RE: May employee accept paid, part-time position to lead prevention programs when funding for such programs is provided by the employee's agency?

DECISION: No.

This opinion is in response to your March 7, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 28, 2000, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. The Department of Juvenile Justice (the "Department"), pursuant to KRS 15A.300, has established a Local Juvenile Delinquency Prevention Council (the "Council") in Daviess County. The Council, with the Daviess Fiscal Court acting as a fiscal agent, receives state funds in the form of a grant from the Department, for the development and provision of prevention programs. One program being developed by the Council provides for a group activity for youth in an elementary school. An employee of the Department has been approached by the Council to lead a group activity. This would be a paid part-time position for the employee. The employee is not in a position involving the decision-making process concerning the creation or funding of councils, and the youth being served are not youth for which the Department has any legal responsibility. The employee asks whether or not she may accept such a position.

KRS 11A.040 (4) provides:

No public servant shall knowingly himself or through any business in which he owns or controls an interest of more than five percent (5%), or by any other person for his use or benefit or on his

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 00-21

April 28, 2000

Page Two

account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he is employed or which he supervises, subject to the provisions of KRS 45A.340....

KRS 11A.040 (4) prohibits a public servant from enjoying any part of any agreement granted by the agency by which he is employed. Thus, the employee of the Department would be prohibited from accepting a paid, part-time position with the Council to lead a group of youth in prevention programs because funding for such programs was granted by the Department to the Council.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Bertie Oldham Salyer, M.A., A.M.E.

www.state.ky.us/agencies/ethics/ETHICS.HTM

May 1, 2000

Hon. Ray DeBolt
General Counsel
Department of Juvenile Justice
1025 Capital Center Drive
Frankfort, KY 40601

Reference: 042800.9

Dear Mr. DeBolt:

At its April 28, 2000, meeting, the Executive Branch Ethics Commission took up your request, dated March 7, 2000, in which you ask whether an employee may accept a paid, part-time position to lead prevention programs when funding for such programs is provided by the employee's agency.

The enclosed Advisory Opinion 00 — 21 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: Advisory Opinion 00-21