

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 00-42**  
August 18, 2000

RE: May board members employed by the Department of Education accept travel expense reimbursement from an education association?

DECISION: No.

This opinion is in response to your June 29, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the August 18, 2000, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Kentucky Science Teachers Association (KSTA) is a private, non-profit corporation that advocates for science educators and attempts to influence the legislature, the Kentucky Board of Education and the staff of the Kentucky Department of Education (KDE) on behalf of member science teachers. KSTA seeks ongoing collaborations with KDE task forces and committees and other public agencies to benefit the teaching and learning of science. KSTA has sought in the past, and will continue to seek, grants and financial incentives from various public agencies to further the cause of improving science.

During the past three years, in order to avoid any conflict of interest, KSTA has asked elected board members and officers who are hired by KDE to resign their positions with KSTA. The KSTA also has asked ex-officio KSTA board members who become KDE employees to no longer serve on the board. Your concern is that KSTA reimburses all board members for mileage, meals and hotel accommodations while attending KSTA meetings. You ask whether you are being overzealous in your efforts and whether you should continue to ask officers and board member to resign from their positions with KSTA if they become employed by KDE.

KRS 11A.045(1) provides:

- (1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel

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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.

Because the purpose of KSTA is to represent science teachers who are regulated by the KDE, the Commission agrees that it would present a conflict for an employee of the KDE to accept travel expense reimbursement from the KSTA. Thus, if it is KSTA's policy to reimburse its officers and employees for travel expenses, the Commission believes that employees of the KDE should not serve as officers or on the board of KSTA.

Even if the employees were to decline to accept such reimbursement from KSTA, the Commission believes because KSTA attempts to influence the staff of KDE on issues, that an appearance of a, if not an actual, conflict would exist for employees to serve on the board.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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