

ADVISORY OPINION 00-59  
November 3, 2000

RE: May director accept travel reimbursement from organization whose members are regulated by the state agency by which the director is employed?

DECISION: No.

This opinion is in response to your September 26, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 2, 2000, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. A director in the Kentucky Department of Education (the "Department") has been recently elected president-elect of the Kentucky Association of School Administrators (KASA). As part of the director's duties, KASA requires that the president-elect attend governance and other professional meetings. KASA normally reimburses the officers of KASA for their travel expenses related to such meetings. Members of KASA primarily include superintendents, principals and other local school administrators who are regulated by the Department, but who are not regulated by the division for which the director is responsible. The director's service as president-elect of KASA is not part of the director's official duties for the Department. You ask whether the director may accept travel reimbursement from KASA for service as president-elect.

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.

As provided above, a state employee should not accept meals or travel expense reimbursement totaling a value in excess of \$25 in a single calendar year from any person or entity that is regulated by or seeking funds from the agency for which the employee works, or from any group or association that represents such persons or businesses. Consequently, the Commission believes that the director is prohibited from accepting travel expense reimbursement from KASA because KASA appears to have as its primary purpose the representation of persons

regulated by the Department. See Advisory Opinions 95-29 and 96-11 (copies of which are enclosed).

Additionally, the Commission understands that as a part of her official duties, the director is not involved in matters regarding members of KASA; however, the Commission advises that the director document in writing, pursuant to KRS 11A.020 (3), her intention to abstain from involvement in matters regarding KASA or any of its members should such a situation occur in the future.

Furthermore, the Commission questions whether the activities of KASA for which the director will be ultimately responsible may be in conflict with the mission of the Department. If KASA is involved in attempting to influence actions of the Department, a conflict of interest may exist for the Director between her responsibilities for KASA and her official position with the Department.

Enclosure      Advisory Opinion 95-29  
                    Advisory Opinion 96-11