

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 01-2
February 9, 2001

RE: May KET allow company to use article written by employee for advertising purposes?

DECISION: No.

This opinion is in response to your October 31, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the December 15, 2000, and February 9, 2001, meetings of the Commission and the following opinion is issued.

You state the relevant facts as follows. Kentucky Educational Television's ("KET") Director of Transmission Systems wrote an article, "KET Monitors with Modulation Sciences", which was published in the October 18, 2000 issue of *TV Technology*. Subsequently, Modulation Sciences, a for-profit company, has requested permission from KET to reprint the article to hand out to customers and at trade shows. You ask for an opinion as to whether it would be appropriate for KET to give permission to Modulation Sciences to use the article in this manner.

KRS 11A.005(1)(a) and (d) provide:

(1) It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that the proper operation of democratic government requires that:

(a) A public servant be independent and impartial;

...

(d) The public has confidence in the integrity of its government and public servants.

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 01-2

February 9, 2001

Page Two

As reflected in previous advisory opinions, the Commission believes that state agencies should reflect high standards of ethical behavior, and they should not endorse or promote a specific company or product. If an employee, on his own time, writes an article for publication endorsing a product and submits it for publication, he should not identify his title or the name of the state agency for which he works. He should be cautious not to reflect that the endorsement is on behalf of the state agency.

Although the product discussed in the article is related to the mission of KET and its sale will not benefit any employees of KET or the agency itself, because the article does reflect that it is promoting the sale and use of this product, the Commission believes that KET should not allow Modulation Sciences to hand out the article to customers and at trade shows. Such use of the article will imply that KET is endorsing the specific company and product. KET should take great care not to reflect that it is promoting or advertising a specific company through the use of this article.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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