

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 01-44**

November 9, 2001

RE: May Old Fort Harrod State Park gift shop purchase items from a local non-profit group for resale, if one of the Park's gift shop employees' mother is a member of the non-profit group?

DECISION: Yes, as long as the employee is not involved with purchasing decisions.

This opinion is in response to your November 5, 2001, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 9, 2001, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are the manager of Old Fort Harrod State Park (the "Park"). A local non-profit group, the Tole Painters Club, hand paints and decorates ornaments that you believe would be appropriate for resale in the Park's gift shop. The mother of one of the Park's gift shop clerks is a member of the Tole Painters Club. You have previously stated that you, as Park Manager, make all purchasing decisions for the Park gift shop, and that the clerk would not and does not make such decisions. You ask: Would it be ethical for me, as Park Manager, to purchase these hand made items from the Tole Painters Club for resale in the Park gift shop?

The Commission previously has issued Advisory Opinions that may be helpful in the resolution of your question, and these are enclosed for your review. AO 96-19 addressed the question of whether a gift shop owned in part by a park employee's mother could sell items to a state park gift shop, and AO 97-18 answered an employee's question regarding purchasing decisions regarding a company for which her mother worked.

In this case, the Park gift shop clerk has no purchase-making authority. In addition, the Tole Painters Club is a non-profit group; thus, the clerk's mother would not realize any

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Page Two

pecuniary benefit were the Park to purchase items from the Tole Painters Club. The Commission believes that so long as the employee has no involvement with purchasing decisions for the Park gift shop, no conflict of interest exists should you as the Park Manager decide to purchase items made by members of the Tole Painters Club for resale in the Park gift shop.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: Cynthia Stone, Esq.

Enclosures: Advisory Opinion 96-19  
Advisory Opinion 97-18