

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 02-34**

June 28, 2002

RE: May Commissioner accept teaching position with a university that provides administrative functions for The Kentucky Collaborative for State Agency Children?

DECISION: Yes.

This opinion is in response to your June 10, 2002, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 28, 2002 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 statutory obligations is required to conduct research studies and to provide aid to the Kentucky Collaborative for State Agency Children ("KECSAC"). The KECSAC is a statutorily authorized entity placed by the Governor under the administration of Eastern Kentucky University (the "University"). The Department contracts with Eastern Kentucky University for research services and services of KECSAC.

The Commissioner of the Department has been offered an opportunity to teach an evening class at the University for the College of Criminal Justice and Safety. While not directly involved in the formulation of the Department's contracts with the University, the Commissioner is required to approve and sign all contracts for the Department. The Department of Juvenile Justice has determined that acceptance of this position by the Commissioner will not interfere with the Commissioner's state-employment duties, and absent the prohibitions in KRS 11A.040, will not conflict with his state-employment duties. You ask, pursuant to KRS 11A.120, may the Commissioner accept such a teaching position with the University?

EXECUTIVE BRANCH ETHICS COMMISSION  
**ADVISORY OPINION 02-34**  
June 28, 2002  
Page Two

KRS 11A.020(1)(a) provides:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

Additionally, KRS 11A.120 provides:

Nothing in KRS 11A.001 to 11A.110 shall prohibit or restrict a public servant from accepting outside employment in a state institution of higher education as long as that outside employment does not interfere or conflict with the public servant's state employment duties.

It appears to the Commission that although the KECSAC is under the University for administrative purposes, the KECSAC has no relationship with the College of Criminal Justice and Safety that wishes to hire the Commissioner. Thus, the Commission believes that no conflict would exist if the Commissioner were to accept a teaching position with the College of Criminal Justice and Safety and at the same time approve the contract with the University for the administration of KECSAC.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: Cynthia C. Stone, Esq.