

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 02-52

November 22, 2002

RE: May a private board member serve on licensure board committee?

DECISION: This matter is not under the jurisdiction of the Commission.

This opinion is in response to your September 11, 2002, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 22, 2002, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. Two board members of the Kentucky Association of Professional Land Surveyors ("KAPS") serve on the Kentucky Board of Licensure for Professional Engineers and Land Surveyors (the "Board") committee that approves seminars for continuing education for professional land surveyors. KAPS is a provider of Board-approved seminars for professional land surveyors and charges a fee for the seminars. You ask whether such a situation presents a conflict of interest.

KRS 11A.010(9) defines public servants as:

- (9) "Public servant" means:
 - (a) The Governor;
 - (b) The Lieutenant Governor;
 - (c) The Secretary of State;
 - (d) The Attorney General;
 - (e) The Treasurer;
 - (f) The Commissioner of Agriculture;
 - (g) The Auditor of Public Accounts; and
 - (h) All employees in the executive branch including officers as defined in subsection (7) of this section and merit employees;

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 02-52

November 22, 2002

Page Two

All public servants, as defined above, are subject to the Executive Branch Code of Ethics. However, board members of KAPS are not public servants (unless employed by a state agency) and thus the Commission does not have jurisdiction over the members of the KAPS board of directors. Their service on a Board committee is not subject to the authority of the Commission.

However, the Commission does recommend that the Board, when placing members on committees, consider the impact that such persons' service will have on public confidence in the integrity of the Board.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Cynthia C. Stone, Esq.