

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 04-9

April 8, 2004

- RE: May park manager/golf professional accept golf equipment from a religious-based organization that receives such equipment from a vendor of his agency?
- DECISION: Yes, provided the purpose of the donation by the vendor is to accomplish the mission of the religious-based organization.

This opinion is issued in response to your March 18, 2004, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 8, 2004, meeting of the Commission and the following opinion is issued.

The relevant facts are provided to us as follows. The park manager of Lincoln Homestead State Park is also a PGA golf professional for the park. Additionally, the park manager is a member of SportsReach, a non-profit Christian ministry golf team that uses sports to share the gospel, and was a member of SportsReach prior to entering state employment. A private vendor, Powerbilt, provides sponsorship for SportsReach, and supplies golf clubs, both irons and woods, golf bags, and possibly shirts, hats and gloves for the golf team. The park manager states that he made a special purchase from Powerbilt last year on behalf of the Department of Parks ("Parks"), and he plans to purchase a few sets of golf clubs this year from Powerbilt. You ask if the acceptance of the golf equipment by SportsReach from a vendor of Parks violates the Executive Branch Code of Ethics.

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.

The park manager would be prohibited from personally soliciting or accepting any golf equipment from Powerbilt, either for himself or on behalf of SportsReach, because of the fact that Powerbilt is a vendor of Parks. However, the organization, SportsReach, would not be prohibited from soliciting or accepting such golf equipment.

Furthermore, the Commission believes that the park manager would not be prohibited from using and accepting Powerbilt golf clubs and equipment from SportsReach when participating in events for SportsReach, provided he is not involved in the solicitation of such equipment for SportsReach. It appears the equipment donated by Powerbilt to SportsReach is not a donation to benefit only the park manager, but the purpose of the donation is to accomplish the mission of SportsReach.

If the park manager accepts the Powerbilt golf equipment from SportsReach and wishes to avoid even an appearance of a conflict, the park manager may wish to abstain from golf equipment purchasing decisions.

BY CHAIR: Joseph B. Helm, Jr.